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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 710/96.

Dt. of Decision : 18-06-96.

Smt. B.K.Nagamma

.. Applicant.

Vs

1. The Surveyor General Of India,
Dehradun, U.P.
2. The Additional Surveyor General
of India, Survey Training Institute,
Uppal, Hyderabad-39. .. Respondents.

Counsel for the Applicant : Mr. K.K.Chakravarthy

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMIN.) 2

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ORDER

Oral Order (Per Hon'ble Shri R. Rangarajan, Member (Admn.) I

Heard Mr. K. K. Chakravarthy, learned counsel for the applicant and Mr. N. R. Devaraj, learned counsel for the respondents.

2. The applicant in this OA is the wife of Late Mr. M. Munu Swamy, who died while working as Mali under R-2 at Hyderabad. It is stated in the OA that the applicant made a representation dated 18-09-95 (Annexure-I) for appointing her on compassionate ground, which was turned down by the impugned order No. C-11090/11-G-23(CA)/STI dated 13-11-95 (Annexure-2) on the ground that she has sufficient income to live and have no other dependents. Subsequently, she filed another representation dated 13-11-95 for consideration of her son's case for compassionate ground appointment. That request was also rejected by order No. C-11391/11-G-23(CA)/STI dated 23-11-95 (Annexure-4), on the ground that the applicant has not mentioned earlier in part-1 of the application form in regard to the details of the dependant son. But that order dated 23-11-95 does not indicate whether the request for compassionate ground has been turned down or not in categorical manner. It looks that the consideration is still pending with the respondents organisation.

3. The applicant now submits that she has a daughter and a son and that the daughter had been married already and her son is dependant on her and aged about 34 years is un-employed and studied upto 5th standard. It is further stated in the OA she was paid as final settlement dues gratuity of Rs. 38,130/-, Insurance amount of Rs. 15,000/-, Savings Fund Rs. 2,724/- and Leave encashment salary of Rs. 15,724/- in addition to her family pension amounting to Rs. 375/- per month. She submits that she has no house to live in and with her meagre pension she is not able to make both ends meet. Hence she prays for compassionate ground appointment to her son Mr. M. Venkatesh Swamy.

4. This OA is filed praying for compassionate ground appointment to her son on the basis that she is not well placed financially to sustain her family.

5. It is an admitted fact that the applicant is semi-illiterate. In view of this it may be possible that she would not mentioned in regard to her dependent son in part-1 of the application form when she first submitted a representation dated 18-09-95. But in her representation she has said that her husband left "them" in lurch at the time of his death. The very fact that she has used plural the respondents could have asked the applicant in regard to her family size. The respondents did not make any attempt in this connection. When she submitted her application dated 13-11-95 for compassionate ground appointment to her son Mr.M.Venkatesh Swamy, that representation was disposed of by order No.C-11391/11-G-23(CA)/STI dated 23-11-95 (Annexure-4) stating that she has not mentioned regarding her defendant in part-1 of the application. In my opinion this reply is incomplete as the reply does not indicate definitely whether the request has been conceded or not. The learned counsel for the applicant submitted that in view of the inconclusive reply, the applicant is under the impression that the case is still pending with the respondents and no final decision has been taken. This impression cannot be held as inappropriate.

6. In view of the above it will be in the fitness of things if R-2 is directed to re-consider the case in depth taking into account the financial position of the applicant and also the dependants on her and decide the issue in accordance with rules within a short time.

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7. In the result, the following direction is given:-

R-2 should re-consider the issue of granting ~~the~~ compassionate ground appointment to her son Mr.M.Venkatesh Swamy on the basis of the extant rules and regulations ~~fully noting~~ the financial condition of the family and give a suitable reply to the applicant within a period of two months from the date of receipt of a copy of this order.

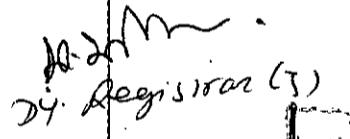
8. It is needless to say that in case the applicant is going to be aggrieved by the reply to be received by her she is at liberty to approach this Tribunal by filing a fresh OA in accordance with law.

9. The OA is ordered accordingly at the admission stage itself. No costs.

(Registry should send a copy of this OA along with the judgment to R-2)


(R. Rangarajan)
Member(Admn.)

Dated : The 18th June 1996.
(Dictated in Open Court)


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Copy to:-

1. The Surveyor General of India, Dehradun, U.P.
2. The Additional Surveyor General of India, Survey Trading Institute, Uppal, Hyderabad.
3. One copy to Sri. K.K.Chakravarthy, advocate, CAT, H
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

DATED: 18/6/96

ORDER/JUDGEMENT

D.A. NO./R.A./C.P. NO.

D.A. NO. 7/0/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

