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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A.No:588/97

Date of Decision: 26-3-98

Between:

1. Smt. N. Chennamma
2. N. Duggaiah .. Applicants

A N D

1. Union of India,
through
Engineer-in-Chief,
E-in-Cs Branch,
Army Headquarters,
New Delhi - 110 011.

2. Chief Engineer,
Hq. Southern Command,
Pune - 411 001.

3. Garrison Engineer(NW),
Mangore Hills,
Vasco-Da-Gama,
Goa. .. Respondents

Counsel for the applicants : Mr. N. Raghavan

Counsel for the respondents: Mr. V. Rajeshwara Rao

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A) ⁸~~13~~

(Per Hon'ble Shri H. Rajendra Prasad, Member(A))

(51)

The husband of the first applicant, N. Durga Rao, was a Mason under Respondent - 3, and passed away in March, 1992. His widow, who is the first applicant, was made an offer by the respondents of being considered for a suitable job on compassionate grounds. She was unwilling to take up the offer and wanted instead that her brother-in-law (the younger brother of her deceased husband and second applicant) should be considered for such job. The respondents rejected her request. Hence this O.A.

2. The first applicant claims that her brother-in-law (the second applicant) was "adopted" by her husband and herself during the former's lifetime, and was educated and brought up as their own child. The respondents are unwilling to accept or acknowledge this so-called "adoption" since no valid deed of adoption had ever been filed or submitted by the deceased employee during his lifetime, or by the first applicant even subsequent to his demise. It is pointed out by the respondents that the family has only one direct survivor of the deceased employee, viz., his widow, who has received adequate compensation by way of all terminal benefits due to him. The household has no long-term commitments or existing liabilities. Evidently, therefore, no financial distress exists which might justify the offer of a job to the second applicant six years after the demise of the former employee. This is particularly so when rules do not make the second applicant eligible for such an unusual consideration.

3. The facts, averments and submissions have been carefully considered. This is certainly not a case where any directions can, or need to be, issued since there is no apparent justification for any kind of intervention from this Tribunal. The respondents have made a fair offer of a suitable job to the first applicant, subject to her fitness for the same. She would be well advised to accept the offer instead of seeking a compassionate appointment for the second applicant who is neither eligible nor, indeed, can be accepted as the adopted son of the 1st applicant and her late husband. Contrary to the assertions in the OA, the second applicant had always duly shown the names of his real parents in

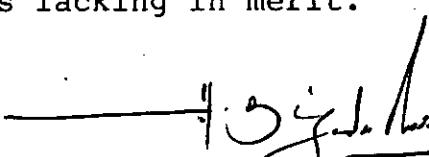
~~Q/A~~
~~26/1~~

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-: 3 :-

many of the documents produced, e.g. Annexure-14 (items 2 and 6) Annexure-15 (item 3). The Govt. orders on which the applicants rely (Dept. of Personnel and Training OM No.14014/9/94/ESTT(D)) relate to those Govt. servants who pass away in harness, or retire on medical grounds, in an unmarried state and leave behind dependent brothers and sisters to be looked after. These orders do not cover or relate to the facts of the present case.

4. OA is dismissed as lacking in merit.


(H. RAJENDRA PRASAD)

Member (A)

26 MAR 98

MD


Deputy Registrar

To

xx O.A. 588/97.

To

1. The Engineer-in-Chief, Union of India,
E-in-Cs Branch, Army Headquarters,
New Delhi 11.
2. The Chief Engineer, HQ. Southern Command,
Pune-1.
3. The Garrison Engineer(NW) Mangore Hills,
Vasco-Da-Gama, Goa.
4. One copy to Mr.N.Raghavan, Advocate, CAT.Hyd.
5. One copy to Mr.V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.
8. One spare copy.

pvm.

MA
13-4-98

I Court

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COMPARED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE

VICE-CHAIRMAN

AND

THE HON'BLE MR. H.RAJENDRA PRASAD: M(A)

DATED: 26-3-1998

ORDER/JUDGMENT:

M.A./R.A./C.A.NO.

in

O.A.No. 588197

T.A.No.

O.W.B

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

