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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

HYDERABAD

OA.804/99

dt. 26.10.95

N. Naveen Babu

: Applicant

Vs.

1. Union of India
rep. by its Secretary
Min. of Defence (R&D)
New Delhi

2. Director
Defence Metallurgical Research
Laboratory, PO Kanchanbagh
Hyderabad 500 058

: Respondents

Counsel for the applicant

: K.K. Chakravarthy
Advocate

Counsel for the respondents

: K. Narahari, CGSC

Coram

Hon. Mr. B.S. Jai Parameshwar, Member (Jud1)



O.A.804/99

dt.

Order

Order (per Hon. Mr. B.S. Jai Parameshwar, Member (Judl.))

Heard Sri K.K. Chakravarthy, learned counsel for the applicant and Mr. K. Narahari, learned counsel for the respondents.

1. The applicant herein is the son of one Mr. N. Venkatesham, who was working as Chargeman II in DMRL, Kanchanbagh, Hyderabad, and who died on 10-8-1992 while in service. At that time the applicant was a minor.
2. On 25-3-97 the applicant submitted an application in the proforma for considering his case for appointment on compassionate grounds in the respondent's laboratory. A copy of the application dated 25-3-97 submitted by the applicant is at Annexure I to the reply. On that basis one Scientist D and STA conducted inquiry ~~as of~~ ^t of the family condition of the deceased employee.
3. By the letter dated 22-4-98 the Respondent No.2 informed the applicant that the case of the applicant for appointment on compassionate ground was considered and rejected as the family of the deceased employee was not in distress.
4. It is stated by the applicant that against the said letter dated 22-4-98 he had submitted a representation (date not mentioned) followed by another representation dated 3-5-98.
5. Besides the applicant had submitted a representation dated 30-4-98 (Annexure 5) page 12 and 13 to the OA) to the Respondent No.2.
6. The applicant has filed this application to declare that the action of the Respondents 1 and 2 in not considering the

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case of the applicant for appointment on compassionate grounds to any post in the laboratory and rejecting the same by order bearing No.DMRL/E/8/COMP/95 dated 22-4-98 is illegal, arbitrary against the rules and for a consequential direction to the respondents to consider the applicant's case for compassionate appointment.

7. The respondents have filed reply denying averments made by the applicants. They considered the application dated 25-3-97 of the applicant and during the inquiry it was revealed that as on that date the deceased family had only the widow and two sons and that the daughter of the deceased was married. That the widow of the deceased was getting pension of ₹.2400/- p.m. That the widow of the deceased was also ^{an} educated lady. That she had not applied for appointment on compassionate ground immediately after the death of ~~the~~ her husband. That ~~they~~ owned houses, ~~the~~ site and agricultural lands. That having regard to the ~~property~~ owned by them and the pensionary benefits received by the deceased's family, the family was not in distress to consider the case of the applicant for appointment on compassionate grounds. However, they submitted that the representation dated 26-4-98 has been forwarded to the ^{competent} authority and that reply is awaited.

8. The applicant has filed rejoinder stating same circumstances which are not necessary for this Tribunal to consider them in view of the directions that are going to be given.

9. As the respondents themselves submit that the representation dated 26-4-98 is pending before the competent authority, the competent authority shall take a final decision on it.

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10. That apart, against the impugned order the applicant has submitted a representation dated 30-4-1998 (Annex.A-5) to the respondent No.2. It is not made clear by the respondents intheir reply whether Respondent No.2 has taken any decision on it.

11. In that view of the matter the following directions are given :

a) The competent authority shall consider the representation dated 26-4-98 of the applicant in accordance with the rules.

b) ^{place} The Respondent No.2 shall ~~consider~~ the representation before the competent authority for consideration dated 30-4-98 (Annex.5 to the OA) in accordance with rules.

c) The said representation shall be considered by the respondents within three months from the date of receipt of a copy of this order. The applicant shall be informed of the decision taken thereon.

12. With the above direction the OA is disposed of. No order as to costs.


 (RS. Jai Parameshwar)
 Member (Jud1)

26.10.99

Dated : 26.10.99

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO :-

1. BBHNC
2. HRRN M (A)
3. BBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN
THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN.)

THE HON'BLE MR. S. S. DAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 26/10/99

MA/RAY/EP. NO.

in
DAY NO. 804/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

OP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

2 copies

