

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.254/2017

DATED THIS THE 29TH DAY OF MAY, 2018

HON'BLE DR K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

Smt. B. Mahadevamma,
Aged 40 years,
W/o Late H.V. Nataraju,
R/a Dr. B.R. Ambedkar Extentsion,
Ward No.12, Kantenahalli,
K.R. Nagar-571 602,
Mysore District.

Applicant

(By Advocate Shri V.S. Naik)
Vs.

1. The Member Secretary,
Central Silk Board,
Ministry of Textiles,
Government of India,
B.T.M. Layout,
Madiwala,
Bangalore-560 068.

2. The Director,
Central Silk Board,
Ministry of Textiles,
Government of India,
B.T.M. Layout,
Madiwala,
Bangalore-560 068.

...Respondents.

(By Shri Vishnu Bhat, Sr. Panel Counsel)

O R D E R (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

In a similar matter in OA.No.167/2017 we have passed the following
order:

"OA is disposed of in terms of OA.900/2016 which is extracted hereunder:-

"Heard. The matter relates to Compassionate Appointment. Apparently wrongly in paragraph 3 of the reply it was mentioned that the applicant is agitating a cause long since on the orders dated 7.3.2002 & 20.1.2002 as per Annexure A5 and Annexure A8. Therefore, we had examined this document and found that it is just a representation filed by the Union on behalf of all the employees and not in relation to the applicant as the applicant would say that her husband passed away only in the year 2015 and therefore it is squarely within the limitation.

But then apparently the matter earlier engaged the attention of the Labour Court against which a process is now being held in Hon'ble High Court of Karnataka which will now decide whether the applicant's husband and other similarly situated persons will be eligible for regularization of their casual employment. If they are to be held as eligible then the applicant also will have a right originating in her at that point of time. But till then applicant may not have any right to take up a cause in her favour. Therefore, we now pass a conditional order declaring the eligibility of the applicant to be considered for compassionate appointment should the Hon'ble High Court of Karnataka declare the deceased Government employee to be eligible for regularization. With this declaration, OA is closed.

No order as to costs."

2. This matter also will be covered in its ambit. Therefore, should the Hon'ble High Court hold that the applicant's husband and others are eligible for regularization, then her claim for compassionate appointment would arise immediately and within 2 months thereof, appropriate decision to be taken by the respondents.

3. OA therefore closed as above. No costs.

(P.K. PRADHAN)
MEMBER(A)

(DR K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA.254/2017

Annexure -1: Copy of the Memorandum dated 30.10.1991.

Annexure -2: Copy of the death certificate dated 01.03.2014.

Annexure -3: Copy of the representation dated 03.10.2008.

Annexure -3: Typed copy of the representation dated 03.10.2008.

Annexure -3: Translated copy of the representation dated 03.10.2008.

Annexure -4: Original postal acknowledgement.

Annexure -5: Copy of the letter dated 03.02.2015.

Annexure -6: Copy of the letter dated 01.12.2014.

Annexure -7: Copy of the reply dated 15.12.2014.

Annexure -8: Copy of the Memorandum dated 29.07.2008.

Annexure -9: Copy of the Memorandum dated 13.04.2005.

Annexure -10: Copy of the Application dated 11.11.2016(Under R.T.I. Act).

Annexure -11: Copy of the reply letter dated 12.01.2016.

Annexure -12: Copy of the letter dated 15.01.2009.

Annexure -13: Copy of the letter dated 04.03.2009.

Annexures referred to by the respondents in the Reply Statement

Annexure R-1: Copy of the letter No.25011/1/2009-Silk dated 8th August, 2012.

Annexure R-2: Copy of the Judgement dated 20.1.2004.

Annexures referred to by the respondents in reply to MA

Annexure R-3: Copy of reply dated 27.01.2009 issued to the applicant with acknowledgement.

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