

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00997/2018

Dated Friday the 27th day of July Two Thousand Eighteen

PRESENT

**HON'BLE MR. R. RAMANUJAM, Member (A)
&
HON'BLE MR. P. MADHAVAN, Member (J)**

K.Anandakumar,
No. 36, First Street,
Angalamman Nagar,
Muthialpet, Puducherry 600503.Applicant

By Advocate M/s. Prakash Adiapadam

Vs

- 1.Union of India rep by,
The Chief Secretary to Govt.,
Govt. of Puducherry,
Chief Secretariat,
Goubert Avenue,
Beach Road, Puducherry 605001.
- 2.The Secretary to Govt. (DP&AR)(Personnel Wing),
Dept of Personnel & Administrative Reforms, (Personnel Wing),
Govt. of Puducherry,
Chief Secretariat,
Goubert Avenue,
Beach Road, Puducherry 605001.
- 3.The Secretary to Government (Education),
Govt. of Puducherry,
Chief Secretariat,
Goubert Avenue,
Beach Road, Puducherry 605001.
- 4.The Director of School Education,
Directorate of School Education,
Govt. of Puducherry, Puducherry 605001.

5.The Deputy Director (Administration),
Directorate of School Education,
Govt. of Puducherry,
Puducherry 605001.

6.Chief Educational Officer(CEO),
O/o the Chief Educational Officer,
Govt. of Puducherry,
Puducherry.Respondents

By Advocate Ms. S. Devie for Mr. R. Syed Mustafa

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking following relief :

" To direct the respondents to call for the records relating to impugned memorandum vide no. 245/DSE/Estt.I/DI/2017 dt. 03.08.2017 passed by the 5th respondent and quash the same and consequently direct the respondents to issue appointment order to the applicant on compassionate grounds in commensuration of his educational qualification. "

2. It is submitted that the applicant is aggrieved by Annexure A9 communication dt. 03.08.2017 by which the applicant has been denied compassionate appointment following the death of his father by a one line order stating that "the circumstances of the family do not satisfy the conditions laid down by Government of India for compassionate appointment and the family do not warrant any compassionate appointment". It is also stated therein that the application once rejected will not be considered again.

3. Learned counsel for the applicant would submit that first of all, the order is non-speaking and is liable to be set aside on this ground alone. Further, the respondents had no authority to state that the applicant's application rejected would not be considered once again as it is clearly against the scheme of compassionate appointment and the instructions issued by the DoPT thereunder from time to time. Accordingly, it is submitted that the applicant would be satisfied if the

respondents are directed to pass a reasoned and speaking order on his representation in terms of details regarding the manner in which his application was considered, financial condition of the family as assessed, the source of information for such assessment and the reliability thereof as also the basis on which it is stated that the application once rejected will not be considered once again. It is also alleged that the respondents have announced a revised scheme of compassionate appointment by a G.O. of Department of Personnel and Administrative Reforms dated 26.04.2018 under which the applicant was entitled to be granted compassionate appointment.

4. Keeping in view the limited relief sought and without entering into the substantive merits of the case, we deem it appropriate to direct the respondents to pass a reasoned and speaking order in pursuance of the impugned communication, with regard to the claim of the applicant for compassionate appointment within a period of three months from the date of receipt of a copy of this order.

5. Accordingly, OA is disposed of with the above direction at the admission stage.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

27.07.2018

SKSI