

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00607/2018

Dated Friday the 8th day of June Two Thousand Eighteen

PRESENT

HON'BLE SMT. B. BHAMATHI, Member (A)

Aswaghosh,
S/o Rahul Chander,
Aged 22 years,
No. 54, Swaminagar Main,
Murugappa Street,
Ullagaram,
Chennai 600091.Applicant

By Advocate M/s. S. Selvathirumurugan

Vs

- 1.Union of India rep by its
Secretary to Government,
Ministry of Finance,
Dept of Revenue,
Central Board of Excise and Customs,
Ground Floor, Hudco Vishala Building,
Bhikaji Cama Place, New Delhi 110066.
- 2.The Chief Commissioner of Customs,
New No 60, Rajaji Salai, Custom House,
Chennai 600001.
- 3.The Commissioner of Customs,
New no 60, Rajaji Salai, Custom House,
Chennai 600001.
- 4.The Additional / Joint Commissioner of Customs,
New No 60, Rajaji Salai, Custom House,
Chennai 600001.Respondents

ORAL ORDER

(Pronounced by Hon'ble Smt. B. Bhamathi, Member(A))

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

“To call for the records on the file of the 1st respondent in connection with the order passed by him in this proceeding is F No A 12012/31/2016 Ad III B dated 03.01.2018 served on 22.01.2018 and quash the same and direct the respondents to consider the case of the applicant for compassionate appointment to a post commensurate his qualification and pass such further or other orders as this Hon'ble Tribunal may deem fit in the circumstances of the case and thus render justice.”

2. It is submitted that the applicant's father passed away on 26.03.2008 while in service. The application for compassionate appointment was not considered. It was stated in the communication dated 31.01.2018 that as per CAG guidelines relating to compassionate appointment, the prescribed terminal benefits limit was Rs. 4,50,000/- for Group -C posts. Since, the applicant's case did not fulfil this criteria, his case was rejected. Thereafter, the applicant made representation on 03.04.2018 seeking details of the terminal benefits received by him. He was informed vide communication dated 05.04.2018 that he received Death Cum Retirement Gratuity (DCRG) amounting to Rs. 2,43,528/-, CGEGIS amounting to Rs. 40,028/- and Insurance (DLI) amounting to Rs. 60,000/-. Thus the total amount of terminal benefits works out to Rs. 3,43,556/- which is far less than the criteria stated by the respondents in the impugned communication dated 31.01.2018. Hence, the applicant has approached this Tribunal.

3. On perusal, it is seen that the applicant had made no representation pursuant to the communication dt. 05.04.2018 and it is not clear why the applicant's case was rejected even though it appears that he satisfied the criteria laid down by CAG ie., the terminal benefits received were well below Rs. 4,50,000/-.

4. Learned counsel for the applicant submits that the applicant would be satisfied if he is permitted to submit a detailed representation to the respondents which would be directed to be considered within a time limit to be stipulated by this Tribunal.

5. Therefore, to meet the ends of justice and without going into the merits of case, I deem it appropriate to permit the applicant to submit a detailed representation to the respondents with regard to his grievance within a period of two weeks from the date of receipt of a certified copy of this order. On receipt of such representation, the respondents shall consider the same in accordance with law and pass a reasoned and speaking order thereon within a period of 12 weeks thereafter. All issues of law, if any are kept open.

6. OA is disposed of with the above direction at the admission stage.

(B. Bhamathi)
Member(A)
08.06.2018

SKSI