

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00416/2018

Dated this Wednesday , the 9th day of January, 2019.

CORAM:

Hon'ble Mr. Ashish Kalia, Judicial Member

Sabna T.S., W/o Late. G. Manoj, aged 32 years,
Vellayil House,
Ezhupunna P.O. , Alapuzha Dist. 688537

..... **Applicant**

(By Advocate – Mr. C.S.G.Nair)

v e r s u s

1. Chief Commissioner of Central Excise & Customs,
Central Revenue Buildings,
I.S. Press Road, Cochin 682018.
2. Commissioner of Central Excise & Customs,
Central Excise Bhavan,
Press Club Road,
Thiruvananthapuram 695001.
3. Union of India,
Represented by the Secretary,
Department of Revenue, Ministry of Finance,
North Block, New Delhi 110 001.

..... **Respondents**

(By Advocate – Mr.V.A.Shaji, ACGSC)

This Original Application having been heard on 09.01.2019, the Tribunal on the same day delivered the following:

OR D E R (ORAL)

The applicant seeks the following reliefs:

- (i) To direct the respondents to appoint the applicant as Havildar or in any other suitable post on compassionate grounds within a stipulated period.
- (ii) In case the applicant could not be given appointment due to any reason, direct the respondents to consider the case of applicant in the future vacancies.
- (iii) To grant such other reliefs that may be prayed for or that are found to be just and proper in the nature and circumstances of the case.

2. The facts in brief as preferred by the applicant is that she is the wife of Late G. Manoj who was a Havildar under the 1st respondent. He died on 21.3.2016 at the aged of 42 years. On his death, Late, Manoj left behind his wife, and one daughter aged 12 years. The entire family was depending on the salary of Late Manoj and on his death there was no income for the survival of the family other than the family pension. Late Manoj left behind a huge financial liability and applicant is threatened with attachment procedure to recover the loan taken by Late Manoj. She got only Rs.22,318/- towards terminal benefits as the entire balance amount of R.9,19,000/- was recovered towards the loan amount taken from Central Excise Co-operative Society. It is submitted that applicant had submitted representations for appointment on Compassionate grounds during April 2016 to the 2nd respondent. Another representation was submitted to the 1st respondent during November 2017. But so far no reply has been received. Aggrieved by this the applicant approached this Tribunal seeking the above reliefs.

3. Notices were issued and respondents put up their appearance through Mr. V.A. Shaji, ACGSC and filed detailed reply statement.

4. Heard the learned counsel appearing on both sides and perused the pleadings. The present controversy has been resolved by the consent of the learned counsel appearing on both sides.

5. The learned counsel for the respondents contended that the matter of compassionate appointment is subjudice, hence the Department has not initiated further action in filling the vacancies that arose during subsequent years. The appointment of short listed candidates for the post of Havildar on compassionate basis in pursuance of common order dated 8.11.2017 in OA Nos. 380/2017, 382/2017, 631/2017, 283/2016 and 658/2017 and the Hon'ble High Court of Kerala has stayed the operation of the said common order vide order dated 29.7.2018 in OP(CAT) 124/2018 and therefore the application for compassionate appointment of the present applicant could not be processed.

7. At this stage, learned counsel for the applicant submitted that the stay order issued by the Hon'ble High Court in respect of appointment on compassionate grounds of another candidate who has been shortlisted has nothing to do with the application submitted by the

applicant for compassionate appointment.

8. Be that as it may, I am of the view the in the interest of justice, respondents are to be directed to consider the application submitted by the applicant for compassionate appointment in accordance with law and expedite the process of convening the expert committee meeting in terms of DOP&T instructions on the subject at the earliest at any rate within a period of 45 days from the date of receipt of a copy of this order. Ordered accordingly. The decision taken is to be communicated to the applicant.

9. The O.A. is disposed of on the above direction. No order as to costs.

**(ASHISH KALIA)
JUDICIAL MEMBER**

sj*

Applicant's Annexures

- Annexure A1 - True copy of the Death Certificate issued by the Kochi Municipal Corporation.
- Annexure A2 - True copy of PPO No. 549261600087
- Annexure A3 - True copy of the Certificate of liability issued by Ezhupunna Service Co-operative Bank Ltd., on 28.3.2018.
- Annexure A4 - True copy of certificate dt. 27.3.2018 issued by the Ernakulam Urban Co-operative Society Ltd.
- Annexure A5 - True copy of the OM No. 14014/6/94-Estt.(D) dt. 9.10.1998
- Annexure A6 - True copy of the Certificate issued by the Mahatma Gandhi University
- Annexure A7 - True copy of the application for an appointment on compassionate ground during April 2016 to the 2nd respondent.
- Annexure A8 - True copy of the representation dt. 23.11.2017 to the 1st respondent .

Respondents' Annexures

- Annexure R1: 'True copy of the interim order dated 31.01.2018 in M.A.No.03/2018 in O.a.No.380/2017.
- Annexure R2 : True copy of the common judgment of this Tribunal dated 8.11.2017 in OA Nos.380/2017, 382/2017, 631/2017, 283/2016 and 658/2017
- Annexure R.3: True copy of the item order in OP (CAT) No.107/2018 of the Hon'ble High Court.
- Annexure R.4. True copy of the interim order in OP(CAT) No. 124/2018 of the Hon'ble High Court.
- Annexe R.5: True copy of the interim order in OP (CAT) No. 125/2018 of the Hon'ble High Court.
