

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA
(CIRCUIT AT PORT BLAIR)**

No. O.A. 351/379/2019

Date of Order: 27.03.2019

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Smt. K. Mohini,
Aged about 35 years,
W/O Late K. Raman,
R/o Lamba Line, Port Blair,
South Andaman District.

Applicant

1. Union of India,
Represented by the Secretary,
Government of India,
Ministry of Defence (NAV) (DCP),
New Delhi -110011.

2. The Commanding in Chief,
Eastern Naval Command
Visakhapatnam-530014.

3. The Commanding in Chief,
Head Quarters
A&N Command,
Port Blair,
Haddo-Post.

Respondents

For the Applicants: Ms. A. Nag, Counsel

For the Respondents: Mr. V.D.S. Balan, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member

The applicant has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

- i) An order/orders directing the respondent authorities to appoint the applicant on compassionate ground by placing her case before the Screening Committee.
- ii) An order/orders directing the respondent authorities to act in accordance with the order dated 29.12.2015 whereby the authorities themselves ordered for reexamination of the case of the applicant on compassionate ground.

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- iii) An order/orders directing the respondent authorities to appoint the applicant on part time or contract basis to any of the Group-C post till the Screening Committee decides the case of the applicant finally or in the alternative direct the respondent authorities to continue the service of the applicant in the post against which she is presently engaged till she is appointed on compassionate ground.
- iv) An order/orders directing the respondent authorities to grant all monitory and consequential benefits to the applicant.
- v) An order directing the respondent authorities to act in accordance with law.
- vi) An order do issue directing the respondent authorities to produce the records of the case before this Hon'ble Tribunal so that conscious able justice may be done.
- vii) Such order or further order direction or directions, as Your Lordships deem fit and proper in the interest of justice."

2. Heard Ld. Counsel for both sides. The matter is taken up at the admission stage.

3. The applicant's submissions, as articulated by her Ld. Counsel is that the applicant's husband, who had expired on 23.7.2006, was working as an unskilled labour with the respondent authorities. That, after his demise, the applicant had prayed for appointment on compassionate ground which was, however, rejected by the concerned authorities as a belated prayer. On coming to know that there are vacancies in the post of Multi Tasking Staff, the applicant submitted another representation, which was forwarded to the Commanding-in-Chief, Eastern Naval Command, Vishakapatnam for consideration. That, although the applicant is working on temporary basis in the same department, the amount received from such engagement being too meagre to sustain her family comprising two children, the applicant has approached the Tribunal for reconsideration of her case, challenging the orders of the respondent authorities dated 29.12.2015.

Ld. Counsel for the applicant submits that vide communication dated 12.11.2018, the Flag Officer Commanding-in-Chief Headquarters Eastern Naval Command, Visakhapatnam had been requested by the Commander-in-Chief of A&N Command to re-examine the case of the applicant on extreme compassionate grounds, that the decision from the Commander-in-Chief is still awaited and that the applicant would be fairly satisfied if a direction is issued to

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the concerned respondent authority to dispose of the reference in her matter within a specific time frame, in accordance with law.

4. Ld. Counsel for the respondents does not object to early disposal of the reference, in accordance with law.

5. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, we hereby direct the respondent No. 2, who is the Commanding in Chief, Eastern Naval Command, Visakhapatnam, to decide in accordance with law, upon the reference dated 12.11.2018 by the Commander-in-Chief A&N Command (Annexure A-5 to the O.A.) with respect to the representation for compassionate appointment of the applicant and to convey his decision in the form of reasoned and speaking order within a period of six weeks from the date of receipt of a copy of this order.

6. With this, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Manjula Das)
Judicial Member

SP