

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 28th day of February Two Thousand And Seventeen

PRESENT:

THE HON'BLE MR. JUSTICE A. ARUMUGHASWAMY, MEMBER (J)
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/00356/2016

B. Kannan,
S/o. Late D. Balakrishnan,
No.7 First Cluny Main Road,
Lawspet, Puducherry- 605 008.

....Applicant

(By Advocate : Mr. A. V. Arun, P. Suresh)

VS.

1. Union of India Rep. by the
Chief Secretary to the Government,
Government of Puducherry,
Puducherry;
2. The Joint Secretary to Government,
Home Department,
Chief Secretariat,
Puducherry;
3. The Inspector General of Police,
Puducherry;
4. The Superintendent of Police (Head Quarters),
Police Department,
Puducherry.

...Respondents

(By Advocate: Mr. R. Syed Mustafa)

ORAL ORDER

(Pronounced by Hon'ble Mr. Justice A. Arumughaswamy, Member (J))

The case of the applicant is that his father while working as Superintendent of Police in the Police Department of the Government of Puducherry died on 23.07.1996 due to brain cancer leaving behind applicant's mother, B. Jayarain, applicant and his sister Jayabarathi. Applicant's mother is a house wife and at the time of demise of applicant's father, applicant and his sister were aged 19 years and 17 years respectively. It is stated the family had to settle the debts, which incurred due to medical attendance of his father, from the death benefits granted by the Government. Since the family became indigent and needed immediate assistance for the relief from the financial destitution, therefore on 02.09.1996, a request was made to the respondents to give the applicant an appointment on compassionate grounds in any of the posts such as Sub-Inspector of Police/Police Constable in the Police Department where his father worked. On 12.08.2000, the 3rd respondent office informed that the Committee constituted for the purpose found that the applicant's case was not fit for compassionate appointment. As the rejection did not contain the reasons, the applicant again submitted a representation to the 3rd respondent on 27.3.2001 and in furtherance, the Police Department sought certain additional particulars which was also furnished on 16.5.2001. Once again the respondents, 2nd respondent informed that the committee on compassionate appointment rejected the demand. While so, the Police Department on 18.11.2010 issued two notification for making direct recruitment to the posts of Sub-Inspector of

Police and Police Constable. Therefore, applicant approached the Tribunal by filing O.A. 415/2011 which was disposed by directing the respondents to consider and dispose of the representation dated 23.11.2010 in accordance with law and as per rules. The respondents by letter dated 23.2.2013 informed that the request was rejected in 2000 itself under the economic criteria and as such the matter has been treated as closed. Applicant once again approached the Tribunal by filing O.A. 401/2013 which was dismissed mainly on the ground that the order of rejection has not been challenged in both the OAs. Hence, the applicant has filed the instant O.A. seeking the following reliefs:-

"to call for the records relating to the order dated 23.2.2013 on the file of the Superintendent of Police (Head Quarters), Police Department, Puducherry and quash the same and consequently direct the respondents to give appointment to the applicant in any of the vacant post in Group C in the Police Department."

2. Learned counsel for the applicant submits applicant represented before the respondents, who rejected his case without any valid reasons and after knocking the doors of the Tribunal, the respondents passed the impugned order 23.02.2013, which is challenged in the present O.A. Further, learned counsel produced before us the minutes of the meeting of the committee on compassionate appointment to the wards of the deceased police personnel held on 17.06.2015 at 16:30 in the chamber of the Chief Secretary to Government, Puducherry which was obtained under R.T.I.

3. After hearing learned counsel for the applicant and the perusal of the O.A. and documents, we are of the view that as there is no time stipulation for consideration of the cases under compassionate appointment as per the latest instructions on the subject, the O.A. could be disposed of with a direction to the respondents to consider the case of the applicant taking into account the alleged indigent condition of the applicant's family and pass an appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

4. With the above direction, the O.A. is disposed of. There shall be no order as to costs.