

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.20/674/2018**

**Date of Order: 18.06.2019**

Between:

1. Smt. S. Kalpana Bhai, W/o. late Sri P. Chakrapani,  
Aged about 70 years, Occ: Housewife, Gr. C,  
R/o. 9311, Balaji Colony, Sulurpet,  
S.P.S.R. Nellore District, Andhra Pradesh.
2. P. Jacob Suman Kalyan, S/o. Late Sri P. Chakrapani,  
Aged about 40 years, Occ: Unemployee,  
R/o. 9311, Balaji Colony, Sulurpet,  
S.P.S.R. Nellore District, Andhra Pradesh.

... Applicants

And

1. Union of India, Rep. by its Secretary,  
Ministry of Science & Technology,  
Department of Space, New Delhi.
2. The Joint Secretary,  
Indian Space Research Organization,  
Department of Space, Government of India,  
Antariksh Bhawan, New BEL Road,  
Bangalore – 560 231.
3. The Chairman, ISRO Headquarters,  
Antariksh Bhawan, New BEL Road,  
Bengaluru – 560 064.
4. The Senior Head (Personnel & General Administration),  
Satish Dhawan Space Centre (SDSC),  
SHAR, Sriharikota, Nellore – 524 124.
5. The Director,  
Satish Dhawan Space Centre (SDSC),  
SHAR, Sriharikota, Nellore – 524 124.
6. The Controller,  
Satish Dhawan Space Centre (SDSC),  
SHAR, Sriharikota, Nellore – 524 124.

... Respondents

Counsel for the Applicants ... Mr. G. Jaya Prakash Babu

Counsel for the Respondents ... Mr. V. Vinod Kumar

***CORAM:******Hon'ble Mr. B.V. Sudhakar, Member (Admn.)******ORAL ORDER******{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }***

2. OA is filed challenging the rejection of the request of the applicant for being considered for compassionate Appointment.
3. Husband of the applicant while working as Helper 'B' in the respondent organisation died on 10.10.1996 and thereupon, applicant applied for compassionate appointment, which was rejected on 9.01.2017 and 9.3.2017. Aggrieved over the same, OA has been filed.
4. The contentions of the applicant are that guidelines contained in memo dated 26.7.2012 were not adhered to. The impugned order is not a speaking order as it does not state the basis for rejection.
5. Respondents contend that, as per guidelines for compassionate appointment, applicant does not fall within the ceiling of per capita income prescribed and as such, she could not be considered.
6. Heard both the counsel and perused the material papers on record.
7. I) A reading of the impugned order does not indicate that it is a speaking and reasoned order. Basis for rejection is absent. It does not reveal the yardstick on which the request was rejected. However, respondents tried to make up for the deficiencies in the impugned order in the reply statement, which is impermissible as per the observation of

the Hon'ble Supreme Court in Mohinder Singh Gill & Anr vs The Chief Election Commissioner, 1978 AIR 851, 1978 SCR (3) 272, as extracted below:

*"The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose J. in Gordhandas Bhanji*

*"Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to effect the actions and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself.*

*Orders are not like old wine becoming better as they grow older."*

II) Learned counsel for the applicant submitted that the details of those selected need also to be revealed so as to be sure as to whether respondents have adopted uniform guidelines for all potential candidates. We are in the era of Right of Information. As per the provisions of the Right to Information Act, respondents are expected to suo motu display information of public importance in order to bring about transparency in public administration. Further, every decision has to be backed by reasons otherwise it will lose its sanctity. The impugned orders lack the force of law. Therefore, there is substance in the submission of the

learned counsel of the applicant. Hence, the respondents are directed to inform the applicant about the grounds on which application of the applicant has been rejected with relevant details and also of those who were selected on the two occasions when the applicant's case was considered preferably in a tabular form so that the basis of the decision is self evident.

III) Before parting, it is suggested that the respondents whenever, they consider cases of compassionate appointment, they may prepare three separate lists containing details of those selected, rejected and of those candidates considered due to court cases with relevant details. The same may be communicated to all the candidates, so that there would not be a grievance galore. Incidentally, by adopting this practice, queries under RTI Act will also come down. This will help parties involved and in the process National resources can be saved by elimination of wastage of Manpower, Money and precious time of all concerned. Respondents may examine and decide as what is best for the organisation and society at large.

IV) With the direction as at para 7 (II), OA is disposed of and for compliance, 8 weeks time is granted from the date of receipt of this order. Liberty is given to the applicant to approach the Tribunal in case the grievance further persists for valid reasons. No order as to costs.

**(B.V. SUDHAKAR)  
MEMBER (ADMN.)**

Dated, the 18<sup>th</sup> day of June, 2019

evr