

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA/021/00608/2019

Date of Order : 29-10-2019

Between :

P. Sailaja W/o Late Sri P.Phaneendra Kumar,
Ex.JWM/OFPm, Aged about 38 years,
Occ : House Wife, R/o Flat No.69, HIG Phases II,
H.No.6-94/28/3, Sai Bhavan Apartment,
Near Substation, HUDA Colony, Chandanagar,
Hyderabad-500 050, T.S.

....Applicant

AND

1. Union of India, Represented by its
Director General & Chairman,
Ordnance Factories, 10 A,
SK Bose Road, Kolkatta-700 001, W.B.

2. The General Manager,
Ordnance Factory, Yeddumailaram P.O.,
Sangareddy Dist., Telangana State.

...Respondents

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Counsel for the Applicant: Mr. K. Ram Murthy

Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC

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CORAM :

THE HON'BLE MRS.NAINI JAYASEELAN, ADMINISTRATIVE MEMBER

(Oral Order per Hon'ble Mrs.Naini Jayaseelan , Administrative Member)

The present Original Application has been filed under section 19 of the Administrative Tribunal's Act, 1985, to call for the records pertaining to proceedings of Selection Board held on 11.06.2018 (Compassionate appointment) issued by 2nd Respondent and declare the same as arbitrary,

discriminatory, illegal, violation of Article 14, 16 and 21 of the Constitution of India and also violation of statutory Rules made under the proviso of Article 309 of the Constitution of India and set aside marks awarded at Column 7 (B) & (D). Consequently direct the 2nd Respondent to award 09 marks at Column 7(b) Terminal Benefits and 03 marks at Column (D) Movable/Immovable Property and to consider the case of the applicant for compassionate appointment and appoint from the date of her eligibility in 2014 on notional basis under 5% of vacancies in the Group "C" post, falling under direct quota to be filled through compassionate appointments for any suitable post like LDC/Store Keeper/MTS (Labourer) with all consequential benefits of interest on terminals for belated payment under the relevant instructions and guidelines in force in the interest of justice within 8 weeks from the date of the receipt of the Orders and humbly requests to pass such other orders as deemed fit and proper in the circumstances of the case.

2. Mr. K. Ram Murthy, learned counsel for the applicant argued during the last two hearings that when the applicant's case was considered for compassionate appointment by the Selection Board on 11.06.2018 it has been mentioned that the applicant has been sanctioned Rs. 7,37,049/- but the actual terminal benefits received was only Rs.4,38,471/-. The Respondents in their reply statement have stated that the deceased employee while in service had availed of House Building Advance and Moped Advance and therefore the said amounts due to the Government have been deducted from the settlement dues of the deceased employee.

3. Learned Counsel for the applicant relied upon the judgment rendered in OA No.330/00649/2013, dated 24.08.2018 by the Allahabad Bench of CAT, wherein, in similar circumstances, the impugned order was set aside and remanded to the Respondents to reconsider the case of the applicant for as per rules for revising the score of the relevant merit point for compassionate appointment as the guidelines do not specify that the terminal benefits for the assessment would be the amount sanctioned or the actual benefit that is disbursed to the family after adjustment of the loans availed of.

4. Learned Senior Central Govt., Standing Counsel for Respondents stated that an appeal i.e. WP No.5532/2019 has been preferred against the said order in OA/330/00649/2013, dated 24.08.2018 on 10.04.2019, before the Hon'ble High Court of Allahabad.

5. The counsel for the Respondents reiterates that the pending loan amounts availed by the deceased employee have been duly deducted by the Respondents from the deceased employee from the terminal benefits and the same had to be repaid back to the Government and therefore the relative points have been accordingly awarded by taking the total terminal benefits of Rs. 7,37,049/-. However in view of the fact that the matter is pending before the Hon'ble High Court of Allahabad, the present OA is disposed of with the direction that the Respondents may reconsider the

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case as and when final orders in WP No.5532/2019 in the Hon'ble High Court of Allahabad are issued.

6. Original Application is disposed of accordingly. No order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

Dated : 29th October, 2019.
Dictated in Open Court.

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