

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.37665 of 2015

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DATED : 19.11.2015

Between :

Sri S. Madan Kumar, S/o.Late Sri K.Swaminathan,
Aged about 30 yrs, Occu : Un-employee,
R/o.H.No.29-1441/5, Kakatiya Nagar,
Neredmet, Malkajgiri, Ranga Reddy District.

.. Petitioner

and

Union of India,
Rep., by its Defence Secretary,
101-A, South Block,
New Delhi-110001 & 4 others.

.. Respondents

This court made the following :

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ORDER :

According to the petitioner his father worked as Vehicle Mechanic in Station Work Shop, EME, Secunderabad, and while in service his father died on 08.06.2007. The petitioner being the son of the deceased employee, claims provision of compassionate appointment on account of untimely death of his father leaving behind his family. Aggrieved by not providing employment under the compassionate appointment scheme, this writ petition is filed.

2. The petitioner's father is a civilian worked in defence forces. Petitioner's service grievance is relating to recruitment to the service in Central Government or as civilian in defence services. The Central Administrative Tribunal is vested with Jurisdiction to adjudicate all service disputes in Central Government service or relating to civilians in Defence Forces in accordance with Section 14 of the Administrative Tribunal Act, 1985 (for short 'the Act'). Any aggrieved person against not providing employment even with reference to compassionate appointment or inaction on the part of the competent authority in providing employment inspite of fulfillment of all the requirements, has to invoke the jurisdiction of the Central Administrative Tribunal to ventilate his grievance and to seek redressal.

3. The Central Administrative Tribunal is an effective and efficacious alternative judicial forum created by the statute. The Hon'ble Supreme Court in ***L. Chandra Kumar Vs Union of India*** held that the Tribunal is the Court of first instance and aggrieved person should invoke the jurisdiction of Central Administrative Tribunal and cannot directly come to this Court under Article 226 of the Constitution of India.

4. Having regard to the same, the writ petition is dismissed leaving it open to the petitioner to avail the remedies as available under the Administrative Tribunal Act, 1985. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO,J

19th November, 2015

Rds

