

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

ORIGINAL APPLICATION NO. 180/00178 of 2020

Wednesday, this the 18th day of March, 2020

CORAM

Hon'ble Mr.Ashish Kalia, Judicial Member

1. Balu Premjith
S/o late C.M.Premahas Chandra Babu,
aged 28 years,
residing at T.C.No.2/1256, Chenthалуvila Veedu,
Pottakuzhy residents association,
PRA No.164,
Pattom PO,
Trivandrum-695004
Mob:9847047572.

...Applicant

(By Advocate Mr.Johnson Gomez,Mr.M.R.Sudheendran)

Versus

1. Union of India, represented by Secretary to Government,
Department of Labour & Employment,
New Delhi-110001.
2. Central Provident Fund Commissioner,
Bhavishya Nidhi Bhavan,
New Delhi-110 066.
3. The Regional Provident Fund Commissioner-1,
Zonal Office, Kerala & Lakshadweep,
Bhavishanidhi Bhavan,
Pattom PO,
Trivandrum-695004.

4. The Assistant PF Commissioner(Admn.) Regional Office,
Pattom,
Trivandrum-695004
5. The Officer in charge,
Sub Regional Office,
Employees Provident Fund Organisation,
Kollam-6

..... Respondents

(By Advocate, Mr.Rajasimhan)

This application having been heard on 18th March 2020, the Tribunal on 18.03.2020. delivered the following :

ORDER(ORAL)

HON'BLE Mr.ASHISH KALIA, JUDICIAL MEMBER

The applicant earlier approached this Tribunal for non consideration of his claim by the respondents for compassionate appointment. This Tribunal had passed an order and directed the respondents to consider the case of the applicant for compassionate appointment. This was considered by the respondents and a speaking order was passed, a copy of which is annexed by the applicant himself. The learned counsel for the applicant submits that, in the order no reasons have been put forth detailing why his case has not been considered.

2. In view of the Apex Court decision in the matter of State of Himachal Pradesh & Anr. Vs. Shashi Kumar-(2019) 3.SCC 65 3, the apex court held that compassionate appointment is not a matter of right. At best, applicant can ask for consideration.

Compassionate appointment is given to a person as an immediate means of sustenance after the sudden death of the sole breadwinner of the family, looking into the penury situation of the family for survival. That has not been presented by the applicant before this tribunal in this case. However, applicant may make a representation within a period of 15 days from the date of receipt of a copy of this order asking for the reasons for his rejection. The respondents may provide the same within a period of one month from the date of receipt of such representation from the applicant. However, this will not give the applicant further cause of action to re-approach this Tribunal.

3. With this observation, the OA is disposed off. No costs.

(ASHISH KALIA)
JUDICIAL MEMBER

List of Annexures to OA.No.180/00178/2020.

- Annexure A1 - A true copy of the representation dated 30.08.2011 submitted by the applicant to 3rd respondent..
- Annexure A2 - A true copy of the letter dated 12/04/2011 issued by the 4th respondent.
- Annexure A3 - A true copy of the letter dated 20/6/2014 issued by the 4th respondent.
- Annexure A4 - A true copy of the application in the prescribed format with documents and covering letter dated 21/7/2014.
- Annexure A5 - A true copy of the letter dated 5/2/2015 issued by the 4th respondent.
- Annexure A6 - A true copy of the letter dated 25.5.2017 issued by the 3rd respondent.
- Annexure A7 - A true copy of the notice dated 4/4/2017 issued by advocate for the bank.
- Annexure A8 - A true copy of the forwarding letter dated 8/6/2017 of the respondent.
- Annexure A9 - A true copy of the order dated 26/2/2018 in OA No.211/2018
- Annexure A10 - A true copy of the letter dated 20/6/2018 issued by the 3rd respondent.
- Annexure A11 - A true copy of the letter dated 22/3/2019 issued by the 3rd respondent.

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