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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00461/2018

Friday this the 6th day of December, 2019

C O R A M :

HON'BLE Mr.E.K.BHARAT BHUSHAN...ADMINISTRATIVE MEMBER

Shri Naveen Kumar B.R.,
S/o Late B.Raman,
Muchilot Nilayam, Ballimogaru,
P.O.Kudlu, Kasaragod.

....Applicant

(By Advocate Mr.T.K.Vipindas)

v e r s u s

1. Central Plantation Crops Research Institute,
Kasaragod – 671 124, Kerala, represented by its Director.
2. The Director,
Central Plantation Crops Research Institute,
Kasaragod – 671 124.
3. The Committee on Compassionate Appointments,
Central Plantation Crops Research Institute,
Kasaragod-671 124 represented by its Chairman.
4. Smt.Meenakshy B.,
W/o late Honnappa,
Karmbadka House,
Shanthigodu PO and Village,
Puthur, D.K. Dist, Karnataka-574 230.
5. Mr. Sarath Kumar,
S/o Late K.Sasi,
Thattaruparambil House,
Komallor PO,
Chunakara, Mavelikara.

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6. Mr.Ashok Kumar,
S/o Late B.Rama,
Ashok Nivas,
Majal House,
Mogral Puthur PO,
Kasaragod.

7. Mr.Praveen Raj P.R.,
S/o Late O.Ramachandran,
Type H.Quarters, CPCRI Residential Campus,
P.O.Kudlu, Kasaragod-671 123.

....Respondents

(By Advocate Mr.P.Santhosh Kumar [R-1-3])

This application having been heard on 4th December, 2019, the Tribunal on 6th December, 2019 delivered the following :

ORDER

OA No.461/2018 has been filed by Shri.Naveen Kumar.B.R., son of late Shri.B.Raman, Skill Support Staff, Grade IV, (Mazdoor) (Group D) under the Central Plantation Crops Research Institute (CPCRI)(, Kasaragod who died on 23.8.2008. The applicant in this O.A seeks appointment under the Compassionate Appointment Scheme to the posts earmarked for dependents of the family member of the deceased employee. The reliefs sought by the applicant is as follows :

1. Issue a direction to the Respondents 1 to 3 to appoint the applicant to seats earmarked for dependants of the family members of deceased employees.
2. Grant such other orders, which this Hon'ble Court may deem fit to grant.
3. Award the cost of this proceeding.

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2. The brief facts of the case are : Shri.B.Raman, the deceased employee at the time of his death on 23.8.2008 had put in 32 years, 1 month and 11 days of service and had left behind his wife and two sons. It is submitted that the eldest son was employed and the younger one, the applicant, though SSLC passed, was unemployed. He filed application on 18.12.2009 for appointment under compassionate ground scheme. Since nothing happened thereafter, he submitted an application under Right to Information Act which resulted in the respondents calling upon the applicant to furnish certain details on or before 31.8.2017. The applicant in response to the same had furnished the requisite details as per communication dated 29.8.2017.

3. As grounds, the applicant submitted that he was denied appointment without assigning any specific reason for the same.

4. The respondents have filed a statement as well as reply statement in this case. In the statement they have submitted that the case of the applicant was considered by the duly constituted committee for compassionate appointment, which met on 27.11.2012 along with other 8 applicants for making recommendation for appointment to two vacancies available under the compassionate quota and after making objective assessment with reference to all the stipulated parameters pertaining to compassionate appointment scheme, two candidates were selected by the

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Committee. Again, the committee which met on 19th and 20th January 2018 recommended four candidates for appointment under the scheme and the case of the applicant this time too was not recommended. It is submitted that the candidates recommended by the Committee have also reported for duty.

5. In the reply statement it is submitted that the latest instructions/guidelines relating to compassionate ground appointment have been issued by the Ministry of Personnel, Public Grievances and Pension, Government of India and the same was endorsed by the ICAR. As per the extant rules, compassionate appointment can be made only against 5% of the direct recruitment vacancies pertaining to Group C and Group D posts and no appointment can be made if there is no clear vacancy in a given year/time. The respondents submitted that the very object of the scheme for compassionate appointment is to grant appointment on compassionate ground to a dependent family member of a Govt. servant dying in harness thereby leaving his family in penury and without any means of livelihood to relieve the family of the Govt. servant concerned from financial destitution and to help it to get over the emergency. The appointment on compassionate ground is not a matter of right and is admissible only in really deserving cases considering the percentage of reservation fixed for such appointment. The object behind the compassionate ground appointment is not for giving assurance of employment to the family members of all Government

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employees who die in harness but for identifying the most indigent and needy family which requires at least a minimum financial support for overcoming the sudden cessation of regular income which was being enjoyed by the family from the salary of the deceased employee.

6. It is submitted that at the time of death of applicant's father the Welfare Officer of CPCRI had visited the house and no financial crisis could be seen due to the death. Applicant is the elder son who is married and has two children. It is pointed out that prior to 25.2.2015 married son is not eligible for appointment as per Govt. of India Office Memorandum dated 5.9.2016. The younger son of the deceased employee is employed and hence applicant applied for compassionate appointment. The applicant's case was considered twice by the duly constituted committee for compassionate appointment which met on 27.11.2012 and 19/20.1.2018 respectively and each time the committee could not find the applicant more needy over the selected candidates for appointment under compassionate appointment quota. The committee has followed all the guidelines available for the Scheme for compassionate appointment under the Central Government and there is no arbitrary decision from Institute side. The respondents have relied upon the Apex Court judgment in **Umesh Kumar Nagpal v. State of Haryana (1994) 4 SCC 138** wherein it was observed as follows :

The whole object of granting compassionate appointment is to enable the family to tide over the sudden crisis due to the death of an earning member.

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7. I have heard Shri.T.K.Vipindas on behalf of the applicant and Shri.P.Santhosh Kumar on behalf of the respondents and perused the documents available on record. On direction from this Tribunal vide court proceeding dated 23.10.2019, the respondents have produced the files relating to the selection in a sealed cover. For the sake of convenience the details received from the applicant as well as the selected candidates regarding employment and land/property owned by the dependents and liabilities left behind by the deceased from the selection files is extracted below :

Sl. No.	Name of applicant	Present employment status of the dependent	The details of land owned by the dependents if any	The documentary proof of liability indicated in the application	The revised pension wherever necessary (including DA & fixed Medical Allowances)
1	Shri.Naveenkumar B.R S/o.late B Raman	No job for dependents	No property. Present property is gifted by the brother of applicant	Loan from Institute (CPCRI Kasaragod)	Rs.9950/-
2	Smt.Meenakshi B W/o.late K.Honnappa Gowda	All are unemployed	Nil	Nothing to furnish other than the details furnished in the application under consideration	Rs.17461/-
3	Smt.Vijayamma K W/o.K.Sasi	Applicant is a family pensioner, elder son unemployed and once in a while coolie work only, remaining two children are students	15 cents land in Nooranad village of Mavelikkara Taluk which is a flood area and not suitable for housing	No any liabilities	Rs.15572/-
4	Smt.Bhagi W/o.late Rama	All are unemployed	9 cents land at Majal SC colony in Puthur village with a small tiled house	1.25 lakh loan from Mr.A.Sanjeeva for marriage purpose by applicant's daughter	Rs.16382/-

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5	Shri.Paraveen Raj PR S/o.late O.Ramachandran	No employees	25 cents in Hosdurg Taluk	Loan of Rs.1320201/- in different institutions and personal debts. Copy of proof attached with the reply letter	Rs.16382/-
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8. The score card in relation to the applicant as well as the selected candidates is as below :

Sl. No.	Name of applicant	Liabilities left by the deceased employee	Retirement benefits received by the family of deceased employee including family pension	Presence of earning member in the family	Size of the family, presence of girl children	Age of the dependent children	Essential needs (dwelling, educational needs of the children etc.)	Social status of the applicant family	Situation of penurious condition of the bereaved family	Total
	SCORE	20	5	5	10	25	15	10	10	100
1	Shri.Naveenkumar B.R S/o.late B Raman, Ex-SSS	1	2	0	4	5	1	1	1	15
2	Smt.Meenakshi B W/o.late K.Honnappa Gowda, Ex-SSS	2	1	5	7	15	8	1	5	44
3	Smt.Vijayamma K W/o.K.Sasi, Ex-SSS on behalf of Shri.Sarath Kumar	0	2	5	7	15	5	10	10	54
4	Smt.Bhagi W/o.late Rama, Ex-SSS on behalf of Shri.Ashok Kumar	1	2	5	7	10	1	10	10	46
5	Shri.Paraveen Raj PR S/o.late O.Ramachandran, Ex- SSS	10	1	5	4	15	5	1	4	45

9. It is also seen from the records that annual income from property for all candidates mentioned above is nil except for the applicant herein who has annual income of Rs.48600/- from property.

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10. This Tribunal has thoroughly perused the records relating to the appointment of candidates under compassionate appointment scheme and duly took note of the factors which lead to assignment of marks as detailed in the score card above. This Tribunal could not discern any mistake or impropriety on the part of the respondents. For these reasons, the O.A is rejected as devoid of merit. No order as to costs.

(Dated this the 6th day of December 2019)

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

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List of Annexures in O.A. No.180/00461/2018

- 1. Annexure A1:** True copy of the death certificate of B.Raman @ Rama Patali dated 2-9-2008 issued by Mangalore City Corporation.
 - 2. Annexure A2:** True copy of the application dated 18.12.2009
 - 3. Annexure A3:** True copy of the letter of Hon'ble Minister of Law & Justice dated 15-9-2015.
 - 4. Annexure A4:** True copy of the reply issued by the Public Information Officer, ICAR, CPCRI Dated 21-8-2017.
 - 5. Annexure A5:** True copy of the communication No.F.No.4(123)/2008 Estt. Dated 19-8-2017 Issued by the 1st Respondent.
 - 6. Annexure A6:** True copy of the communication dated 29-8-2017.
 - 7. Annexure R2(A):** True copy of letter No.GAC-21-9/2014-CDN dated 07.02.2014.
 - 8. Annexure R2(B) :** True copy of the Office Memorandum No.14014/02/2012-Estt.(D) dated 05.09.2016
 - 9. Annexure R2(C):** True copy of the letter F.No.HS 31-1/2017 dated 16.01.2017.
 - 10. Annexure R2(D):** True copy of the office letter No.4(123)/2008-Estt. Dated 22.02.2017.
 - 11. Annexure R2(E):** True copy of the Office Memorandum No.4 (123) 2008-Estt. Dated 17.07.2018.
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