

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No. 418/99

Friday this the 9th day of April, 1999.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

1. P.K.Ally,
W/o late K.N.Prabhakaran,
Thidunnayil House,
Panangadu PO,
Kochi - 682 506.
2. Maheshkumar P.
S/o late K.N. Prabhakaran,
Aged 24 years
Thidunnayil House,
Panangadu.P.O.
Kochi-682 506.....Applicants

(By Advocate Mr. A.X.Varghese (rep.))

Vs.

1. Union of India represented by its Fisheries Development Commissioner,
Ministry of Agriculture,
Department of Animal Husbandry and Dairying
Krishi Bhavan, New Delhi.
2. Director General, Minsitry of
Food Processing Industries,
Fishery Survey of India, Botawala
Chamber, 3rd floor, Sir P.M.Road,
Mumbai - 400 001.
3. Zonal Director,
Minsitry of Food Processing Industries,
Cochin Base of Fishery Survey of India,
P.B.No.853, XIII/488
Kochangadi, Kochi.5.Respondents

(By Advocate Mr. R.Madanan Pillai, ACGSC)

The application having been heard on 9.4.1999, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The first applicant is the widow and the second applicant is the son of deceased K.N. Prabhakaran who while working as a Clerk under the third respondent unfortunately met with his death on 25.4.96. The applicants preferred a claim for employment assistance on

compassionate grounds which was turned down by the impugned order dated 19.1.1999 (Annexure.A6). The grounds stated for denying the claim of the applicants for employment assistance on compassionate grounds are as follows:

- (i) You are working as Sr.Grade Proof Reader in Government Press, Shoroor receiving higher salary benefits.
- (ii) Your first son is working as Commissioned Officer in C.R.P.F.
- (iii) Family received a sum of Rs.2,05,912/- as pensionery benefits.
- (iv) Family is having own house in a property of about 40 cents land in well developed area adjacent to Cochin township.
- (v) Family is in receipt of monthly family pension of Rs.2,600/- with D.A. at 22%.

2. Aggrieved by this order the applicants have filed this application for a declaration that the second applicant is fully entitled to get appointment under the Dying-in-Harness Scheme and for a direction to the respondents to absorb the second applicant on any available post setting aside A6.

3. On a perusal of the application and the impugned order will clearly establish that the impugned order of the respondents cannot be faulted for any reason. The scheme for grant of compassionate appointment was evolved with a view to help the family of employees dying in harness to survive the extreme indigence and hardship and not with a view to provide

employment to each one of the near relatives of the deceased government servants. It has got a laudable social purpose of helping out the family of a Government Servant unexpectedly dying leaving the family in extreme indigence. In this case the first applicant, the widow of the deceased is herself a Government employee receiving a fairly good salary. Further the family is in receipt of a reasonable good family pension. A fairly good amount was received as the terminal benefit of the deceased and the family has a house of its own in a decent area close to Cochin. A son of the deceased is employed as a Commissioned Officer. The second applicant is 24 years old and apart from him only a younger brother who is a student is the only dependent family member. Deceased Prabhakaran was over 56 years when he died. Considering all these aspects I am convinced that there is nothing in this case which deserves further adjudication. The application is therefore rejected under Section 19(3) of the Administrative Tribunals Act. No order as to costs.

Dated the 9th day of April, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexure referred to in the order:

Annexure A.6: True copy of the impugned order conveyed by the Senior Administrative Officer of the 2nd respondent No.F.No.2-152/96-EI dated 19.1.1999.

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