

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.43/94.

Monday, this the 10th day of January, 1994.

C O R A M

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

....

K Sathi Devi,
Rohini, TC 36/982,
NSS Mandiram Lane,
Perumthanni,
Thiruvananthapuram--695 008.

....Applicant

By Advocate Shri N Govindan Nair.

Vs.

1. Union of India represented by the
Secretary, Ministry of Communications,
New Delhi.
2. The Chairman,
Telecom Commission,
Sanchar Bhavan,
New Delhi.
3. Chief General Manager,
Telecommunication,
Trivandrum.
4. Divisional Engineer (Admn),
Office of the Telecom Divisional Engineer,
Thiruvananthapuram--695 023.

....Respondents

By Shri S Krishnamoorthy, Addl Central Govt Standing Counsel.

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant, whose father died in harness, seeks to quash Annexure A5 order by which a request made for compassionate appointment was rejected. The request was rejected stating that:

- (a) one son is employed earning Rs.5589.00 per month,
- (b) family is in receipt of Family Pension of Rs.1539.00 per month, and
- (c) terminal benefits of Rs.1,65,841.00.

The authority felt, for the aforesaid reason, that the family was not in indigent circumstances.

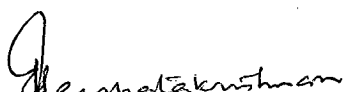
contd.

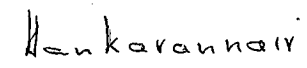
2. We are aware that the scheme is intended to reach succour to dependents of those who die in harness. It is a very humane scheme and it has to be implemented in the spirit in which it was visualised. But, the ground realities cannot be lost sight of. Dependents of deceased employees can compete in the open market like any other person. Sometimes, those who compete for jobs are in more pitiable plight, than the dependents of deceased employees. Taking all these aspects into consideration, a reasonable view of things has to be adopted. It may not be possible to provide assistance to every member of the family of a deceased employee. The total picture has to be considered to assess the position of the family. A family where one member is receiving a salary of Rs.5580.00 (irrespective of his attitude to other members), a family which is receiving a family pension of Rs.1539.00 per month and a family which is receiving a terminal benefit of Rs.1,65,841.00, cannot be considered an indigent family in the prevailing circumstances. At any rate, the view taken by the authorities that the family of applicant is not indigent, cannot be considered unreasonable, or vitiated by errors apparent on the face of the record.

3. We do not think that this is a fit case to exercise our discretion in favour of applicant.

4. Original Application is dismissed. No costs.

Dated the 10th January, 1994.


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN