

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.427/2001

Tuesday this the 22nd day of May, 2001

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Udayasankar.P.
S/o late M.P.Padmanabhan Nair,
aged 27 years, Thuruthi House,
Edathala PO, Ernakulam District.Applicant

(By Advocate Mr.OV Radhakrishnan)

V.

1. Deputy Commissioner of Income tax (H)
Office of the Chief Commissioner of
Income Tax, IS Press Road, Cochin.18.
2. Chief Commissioner of Income Tax,
IS Press Road, Cochin.18.
3. Committee on Compassionate Ground,
represented by its Chairman,
Income Tax Department,
IS Press Road, Cochin.18.
4. Union of India, represented by its
Secretary, Income Tax Department,
New Delhi.Respondents

(By Advocate Mr. K.Rajkumar (rep. by Sri Hari Rao)

The application having been heard on 22.5.2001, the Tribunal
on the same day delivered the following:

ORDER

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

The applicant is the elder son of late Shri
M.P.Padmanabhan Nair who died on 7.8.98 while working as
Income Tax Officer. The younger brother of the applicant at
the time of Padmanabhan Nair's death was doing his LLB in
Mumbai. The applicant was doing articles. On the death of
Padmanabhan Nair while in service his wife, the applicant's
mother made a representation seeking compassionate

appointment for her elder son, the applicant. As the request was rejected, the applicant earlier filed OA 486/2000. The application was disposed of directing that the case should be got considered by the committee and the competent authority should issue an order taking a view on the report of the committee. Pursuant to the above, the case of the applicant for compassionate appointment was placed before the committee and on the acceptance of the recommendations of the committee, the impugned order Annexure.A10 has been passed by the Ist respondent turning down the claim for employment assistance on compassionate grounds on the ground that the family was found to be in sound financial position. Aggrieved by that the applicant has filed this application impugning the order (A.10) seeking a declaration that he is entitled to get appointment on compassionate grounds and for a direction to the respondents to give him appointment. It is alleged in the application that guidelines contained in the Department of Personnel and Training OM No.14014/14/91 dated 23.9.92 and other relevant instructions and factors were not taken into account by the competent authority in rejecting the claim of the applicant.

2. We have perused the application, the impugned order and all the other connected materials placed on record and have heard Shri OV Radhakrishnan, counsel for the applicant and Shri Sri Hari Rao representing Shri KR Rajkumar, counsel for the respondents. Shri Radhakrishnan, learned counsel

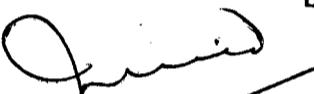
for the applicant with considerable tenacity argued that while passing the impugned order what appears to have got into the mind of the competent authority was that the family has got the terminal benefits which in any case any family under similar circumstances would get and not whether the amount so received and other assets of the family would be sufficient enough for maintenance of the family. According to him, the property is meagre the income limited and the pension insufficient for a proper maintenance of the whole family. The case, according to Mr.Radhakrishnan deserves employment assistance on compassionate grounds. We are not persuaded to agree to this argument of the learned counsel. The scheme for grant of employment assistance on compassionate grounds was evolved with the laudable objective of assisting the families of government servants unexpectedly dying throwing the family to the depth of indigence and poverty and not with an idea to provide comfortable living to each of the dependent of government servant dying in harness and to provide a job to each one of them. The employment is a national wealth of the unemployed. Carving out a portion of that to be earmarked to a special category can be sustained only if such a dispensation is indispensable and unavoidable. In this case the applicant is 27 years old, his younger brother is qualified for a profession and is also a major. The sons do not have the liability of taking care of the mother financially as she is getting a family pension. The family does not have minor children to be brought up or girls to be

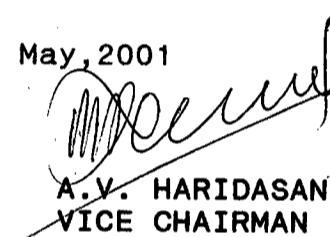
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married. It is not disputed that the family has got a residential house of its own. Taking into consideration of all these factors, we find that it is impossible to find fault with the decision of the competent authority that the family is in a fairly good financial background and does not merit employment assistance on compassionate grounds.

3. In the light of what is stated above, we do not find anything in this case which calls for further deliberation and therefore, we reject this application under Section 19(3) of the Administrative Tribunals Act.

Dated the 22nd day of May, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

List of annexure referred to:

Annexure A10: True copy of the letter
F.No.19/Estt/29/CC/98-99 dated 6.11.2000 of
the 1st respondent.