

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 435/2002

Tuesday, this the 12th day of November, 2002.

CORAM :

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

Anil T. Raj,
Mullasserry Veliyil,
Ponnad P.O.,
Alleppey.

... Applicant

(By Advocate Siby J. Monippally)

Vs

1. Union of India rep. by
Director General of Posts,
New Delhi.
2. Chief Post Master General,
Kerala, Trivandrum.
3. Senior Superintendent,
Railway Mail Service,
Trivandrum.

Respondents

(By Mr. P. Vijayakumar, ACGSC)

The application having been heard on 12.11.2002, the
Tribunal on the same day delivered the following :

ORDER

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

The applicant's father late M.T. Rajappan while working as Class-IV Mail Man, Sub Record Office, Alleppey, died in harness on 4.2.2000, leaving behind his widow, son the applicant and a daughter. The applicant is 22 years old, his sister is 26 years old and his mother is 56 years old. The request for employment assistance on compassionate ground was turned down by Annexure A2 order dated 16.4.2001 which is reproduced as below :-

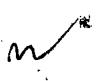
"With reference to your application for employment on compassionate grounds, Chief PMG, Kerala Circle, Thiruvananthapuram vide letter No.Rectt/7-41/2000 dated 2.4.2001 has directed to inform you that the Circle Relaxation Committee has examined your case, but did not recommend it for the following.

The purpose for appointment on compassionate grounds is intended to render immediate assistance to the family of a Government servant who dies in harness or retire on invalidation on medical grounds leaving his family in indigent state. Such appointments can be provided only to fill up to 5% of vacancies that arise for direct recruitment. Consequently, it became essential to ensure that only more deserving cases are approved as per the purpose stipulated for the scheme of such compassionate appointment.

In this case, the family had received the admissible terminal benefits and is drawing regular family pension. The case is therefore, not covered under the guidelines governing compassionate appointment."

2. Alleging that the request of the applicant for employment assistance on compassionate ground has been turned down without considering the relevant aspects, that the respondents had granted employment assistance on compassionate grounds to one B. Sailaja by Annexure A4 order, whose financial condition was better than the applicant, and that the rejection of the applicant's claim is unsustainable, the applicant has filed this application seeking to set aside Annexure A2 order rejecting his claim for employment assistance on compassionate grounds and for a direction to the respondents to consider the applicant for compassionate appointment.

3. The respondents filed reply statement in which they have contended that as against 5% vacancies under direct recruitment in the Group C and D posts earmarked for employment on compassionate ground, cases more deserving had to be considered, the applicant's family having received Rs.1,52,352/- as terminal benefits and is receiving a monthly family pension of Rs.1,865/+ D.R., the family was not found to be in indigent situation requiring immediate financial assistance and that the claim was rejected on relevant consideration. They also contend that the case of Sailaja was found to be more deserving as her father Shri P.K. Kumaran, retired on medial invalidation, received only Rs.39,296/- as terminal benefits.

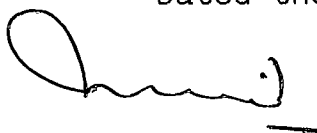


4. We have heard Shri Siby J. Monippally, the learned counsel for the applicant and Shri P. Vijayakumar, ACGSC, the learned counsel for the respondents.

5. Shri Siby J. Monippally argued that it has been held by the Tribunal in OA 494/2001 that rejection of claim for employment assistance on compassionate grounds on the ground that family received terminal benefits is unsustainable. In the case on hand, the rejection of the applicant's claim for compassionate ground is not merely on the ground that the family had received terminal benefits. It is made clear in the impugned order that the number of vacancies for employment assistance on compassionate ground being very meagre, the applicant's claim could not be accepted as there were more deserving cases. In this case, the family consists of 3 persons only. The applicant is 22 years old and his mother is working as a coolie. It cannot be said that the family was driven to extreme indigent situation on the death of the applicant's father. With the terminal benefits received, the family pension and wages of the mother, the family can get on even though not very lavishly. There are no young children to be brought up nor old parents of the deceased to be taken care of. Under these circumstances the decision taken not to grant employment assistance in this case cannot be faulted.

6. In the light of what is stated above, the application is dismissed. No costs.

Dated the 12th November, 2001.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: A true copy of the Income certificate issued by the Village Officer dated 2.3.2000.
2. A-2: A photostat copy of the order NO.BII/II-4 dated 16.4.2001.
3. A-3: A photostat copy of the representation dated 27.6.2001.
4. A-4: A photostat copy of the order dated 2.4.2001 issued by the Head Record Officer, Trivandrum.

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