

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.441/2003

Thursday day this the 5th day of June, 2003.

C O R A M:

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

1. E.M.Fernandez
Cheelanthimoodu Purayidam,
T.C.34/1716, opposite F.C.I,
Cheriyathoppu, Vallakadavu.P.O.,
Thiruvananthapuram - 8.
2. Mrs.Tresa Vinda,
Cheelanthimoodu Purayidam,
T.C.34/1716, opposite F.C.I.,
Cheriyathoppu, vallakadavu.P.O.,
Thiruvananthapuram - 8. Applicants

(By advocate Shri.P.C.Haridas)

Vs

1. Union of India represented by Secretary
to Department of Defence
3 Krishnamenon Marg, New Delhi.
2. Controller of Defence Accounts,
Office of the Controller of Defence Accounts,
506 Annasalai, Taynampett, Chennai.
3. Senior Accountant,
D.P.D.O., Thiruvananthapuram. Respondents

(By Advocate Shri A.Rajeswari,ACGSC)

The application having been heard on 5th June, 2003,
the Tribunal on the same day delivered the following:

O R D E R

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

1. Applicants aggrieved by Annexure A-7 communication dated 4.4.02 received by the 2nd applicant declining to grant compassionate appointment to the 1st applicant has filed this application seeking to set aside the order and for a direction to respondents to give employment assistance to the 1st applicant on compassionate grounds.

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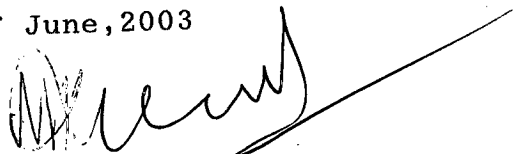
2. The material facts are as follows: The father of the 1st applicant and husband of the 2nd applicant while working as Senior Auditor under the office of the 3rd respondent died while in service on 6.3.92. On the request of the 2nd applicant for employment assistance on compassionate grounds she was informed that as 1st applicant was a minor, he was not eligible to be considered for such appointment. She was, however, permitted to renew the request by submitting an application addressed to the competent authority at the appropriate time by Annexure A 3 letter dated 16.4.93. Thereafter when the 1st applicant attained the age of 18 years on 20.12.99, the 2nd applicant renewed the request. By an order dated 2.2.01 the 2nd applicant was informed that for want of vacancies the request for appointment to the 1st applicant on compassionate grounds could not be considered. The 1st applicant made a further representation in response to which the impugned order was issued. It is alleged in the application that to save the family from penurious situation grant of employment assistance to the 1st applicant is necessary. With these allegations the applicants have sought the reliefs as aforesaid.

3. I have gone through the entire material placed on record and heard Mr.P.C.Haridas, learned counsel for the applicants and Smt.A.Rajeswari, ACGSC learned counsel of the respondents. It is not in dispute that the applicant's father was a Senior Auditor and on his death family pension and other terminal benefits became available to the family. It is also

evident from Annexure A-6 representation made by the 2nd applicant that immediately on the death of her husband, H.F.G.Vinda, she was offered a employment on compassionate grounds but it was not accepted allegedly on account of her poor health.

4. The scheme for employment assistance on compassionate grounds was evolved with a laudable objective of helping the family of Government servants dying in harness leaving the dependent family in extreme poverty on account of the sudden demise of the sole bread winner. In this case the family consisted only of a widow and a son who obviously was a minor on the date of death of the Govt. servant. With the family pension and the terminal benefits, the 2nd applicant had been able to bring up the 1st applicant who is now 22 years old. The situation which prevailed 11 years ago is not prevalent now. The 1st applicant is no more a minor and the family has no other burden of marrying female children or taking care of old parents. The family should be able to get on with the family pension and terminal benefits. As the first applicant himself is 22 years old now and there being no other dependant the decision of the competent authority not to grant employment assistance to the applicant cannot be faulted. Therefore I do not find any reason to entertain this application. The application is rejected Under Section 19(3) of the Administrative Tribunal Act 1985.

Dated the 5th day of June, 2003


A.V. HARIDASAN
VICE CHAIRMAN