

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 459 of 2003

Tuesday, this the 24th day of June, 2003

CORAM

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

1. Arun G. Krishnan,  
S/o late P.S. Gopalakrishnan,  
'Krishna', Karuvatta South,  
Adoor. ....Applicant

[By Advocate Mr. Liji J. Vadakedom]

Versus

1. The Union of India represented by its  
Secretary, Ministry of Communication,  
New Delhi-1
2. The Chief Post Master General,  
Department of Posts, Kerala Circle,  
Thiruvananthapuram - 695 033
3. The Superintendent, Department of Posts,  
Office of the Superintendent of Posts,  
Pathanamthitta Division,  
Pathanamthitta - 689 645
4. The Director General (Posts),  
Department of Posts, New Delhi-1 ....Respondents

[By Advocate Mr. M.R. Suresh, ACGSC]

The application having been heard on 24-6-2003, the  
Tribunal on the same day delivered the following:

O R D E R

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

The applicant's father, P.S.Gopalakrishnan, while working as a Postal Assistant, retired on invalid pension under Rule 38 of the CCS (Pension) Rules, 1972 with effect from 24-4-2001 vide Annexure A1 order dated 28-6-2001. On that date he had completed 57 years and 23 days of age. He died thereafter. Claiming that the family has been thrown to an

indigent situation and seeking employment assistance on compassionate grounds, the applicant submitted a representation, which was turned down by Annexure A3 order dated 29-8-2002 on the ground that his father retired on invalid pension after completing the age of 55 years and in such a case the rules do not allow grant of compassionate appointment. Finding that the rejection of his claim for employment assistance on compassionate grounds was based on Government of India, Department of Personnel & Training's OM No.14014/6/94-Estt(D) dated 9-10-1998 (Annexure A6), wherein the scheme has been made applicable to the dependent families of persons who retired on invalid pension before attaining the age of 55 years in the case of Group 'C' and above, the applicant has filed this application seeking to set aside Annexure A3 order as also Annexure A6 order to the extent 55 years is placed as the upper age limit and for a direction to the respondents to provide employment to the applicant on compassionate grounds. It is alleged in the application that the age of 55 years and 57 years were fixed at a time when the retirement age of the Central Government employees in Group 'C' and above was 58 years. A proportionate enhancement in the age limit corresponding to the raising of the age of superannuation of 60 years should have been made and to that extent the paragraph 2(c) of Annexure A6 is unsustainable, states the applicant.

2. We have carefully perused the application. Heard the learned counsel appearing for the applicant and Shri M.R.Suresh, ACGSC and have given our anxious consideration as to whether there is anything which requires admission of this application and further deliberation. The scheme for grant of

compassionate appointment was evolved with a laudable objective of making the dependent families of Government servants dying unexpectedly at an early age throwing the families into an extreme hardship and starvation. While evolving the scheme, the relevant factors as upto which age of death or retirement on medical invalidation the families are to be provided with compassionate appointment etc. have been taken into consideration. The decision to fix the age limit for compassionate appointment for employees in Group 'C' and above and 57 years in the case of employees belonging to Group 'D' was also fixed after thorough deliberations on the feasibility and other important aspects. The fact that retirement age of Central Government servants belonging to Group 'C' and above has been recently raised from 58 to 60 has nothing to do with the scheme for employment assistance on compassionate grounds. We do not find any arbitrariness or unreasonableness in the policy decision to be called in question seriously. Further, even going by the claim of the applicant, compassionate appointment would be made available if the Government servant died or retired on invalid pension leaving a balance service of three years. Since the applicant's father did not have full three years of service left on the date of his retirement on medical grounds, the applicant would not in any case be entitled for compassionate appointment.

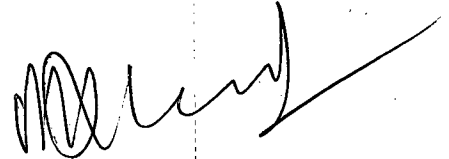
3. In the light of what is stated above, we do not find anything wrong with Annexure A3 order calling for the admission of challenge against that. We also do not find any unreasonableness or arbitrariness in paragraph 2(c) of Annexure A6.

4. In the result, the Original Application, which does not disclose any valid and subsisting cause of action, is rejected under Section 19(3) of the Administrative Tribunals Act, 1985 without any order as to costs.

Tuesday, this the 24th day of June, 2003



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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