

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 459 of 2008

Thursday, this the 4th day of March, 2010

CORAM:

**Hon'ble Mr. Justice K. Thankappan, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member**

1. Mallika. K, aged 48 years, w/o. Late C. Ramakrishnan Nair, Kottarattil House, PO Choorakode, Via Vallappuzha, Palakkad.
2. Ramya R., D/o. Late C. Ramakrishnan Nair, Kottarattil House, PO Choorakode, Via Vallappuzha, Palakkad. **Applicants**

(By Advocate – Mr. Sree Kumar G. Chelur)

V e r s u s

1. The Chief Engineer (Navy), Kochi-4 (Through Garrison Engineer).
2. The Secretary to the Government, Ministry of Defense, Union of India, New Delhi.
3. Asst Garrison Engineer (Indep) Agrani, Red Field Post, Coimbatore. 641018. **Respondents**

(By Advocate – Mr. Rajesh for Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 04.3.2010, the Tribunal on the same day delivered the following:

O R D E R

By Hon'ble Mr. Justice K. Thankappan, Judicial Member -

This Original Application has been filed by the wife and daughter of a deceased employee who was working as Electrician-HS at the office of the 3rd respondent. The employee died on 27.5.2006 and after the death of the

00

employee the first and second applicants requested for employment assistance under the compassionate appointment scheme, as per their application dated 18.6.2007 (Annexure A-1) with other required documents showing the death of the employee as well as the relationship and also the income certificates etc. However, by Annexure A-3 dated 14.12.2007 it is informed that as per the existing instructions in the subject matter, a married daughter of the deceased government employee is not entitled for any appointment under compassionate appointment scheme. Aggrieved by the said order this Original Application has been filed.

2. This Tribunal admitted the Original Application and notice ordered to the respondents. On receipt of the notices from this Tribunal, reply statement has been filed for and on behalf of the respondents. In the reply statement it is stated that as per the compassionate appointment scheme and the rules the married daughter of a deceased government employee is not entitled for compassionate appointment and further it is stated that as per the orders issued by the Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, New Delhi numbered as 14014/6/94-Estt.(D), dated 9th October, 1998 a family has been defined and an exemption is given to any employment assistance to a married daughter. The reply statement had further taken another ground to the effect that the income of the family also has been considered by the respondents and it is found that the family has received about Rs. 4,80,992/- as retiral benefits and the first applicant is getting a family pension of Rs. 3750/- per month. Considering all these aspects the application filed by the applicants has

AB

been rejected by the Annexure A-3.

3. On receipt of the reply statement the applicant amended the Original Application challenging the order of the Government of India issued by the DOP&T department. On receipt of the amendment the respondents have filed an affidavit in which Annexures R-3, R-4 and R-5 were also produced in support of the stand taken in the reply statement and further it is stated in the affidavit in paragraph 4 regarding the issue of compassionate appointment, five dependents have been given appointment out of 25 cases considered by the Board of Officers during the period from 18th July, 2007 onwards. Details also has been given in the said paragraph.

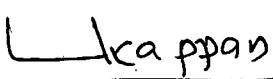
4. We have heard the counsel appearing for the applicant Mr. Sree Kumar G. Chelur and the counsel appearing for the respondents Mr. Sunil Jacob Jose, SCGSC and we also perused all the relevant records produced before this Tribunal as well as the orders passed by the DOP&T from time to time. As a matter of fact it is a judicially admitted principle that a compassionate appointment cannot be claimed as a matter of right. It may be given as a concession considering on certain aspects of the family such as the income, members of family and the delay in approaching the authorities etc. There are Supreme Court judgments to this effect including that of judgments reported in 2006 (7) SCC 350 - Union Bank of India & Ors. Vs. M.T. Latheesh and 2007 (2) SCC (L&S) 578 - State Bank of India & Ors. Vs. Jaspal Kaur. In the light of the principles laid down by the Hon'ble Supreme Court in the aforesaid cases we have to consider the case

AB

on hand. Admittedly the family of the applicants consists of the mother, the first applicant and the only daughter, the second applicant and it is also to be noted that the respondents have considered the indigent position or the economic status of the family and further it is to be noted that under the Compassionate appointment scheme, appointment can be given only to a limited quota of 5% of direct recruitment posts. Here the respondents as per statement filed have considered the entire cases of compassionate appointment, 25 in number and they have given 5 appointments in that quota considering the financial position and other materials placed before the committee constituted for that purpose. In the above circumstances, we feel that this is not a fit case warranting interference by this Tribunal.

5. In the above circumstances, the OA fails and stands dismissed with no order as to costs.


(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER


(JUSTICE K. THANKAPPAN)
JUDICIAL MEMBER

“SA”