

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.486/07

Wednesday this the 19<sup>th</sup> day of March 2008

**C O R A M :**

**HON'BLE MR.JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN**

1. Smt.K.Ambika Devi,  
W/o.late K.Devarajan,  
T.C.2/555-1, Madathuvila Lane,  
Medical College P.O., Thiruvananthapuram.
2. Arun Rajan,  
S/o.late K.Devarajan,  
T.C.2/555-1, Madathuvila Lane,  
Medical College P.O.,  
Thiruvananthapuram 695 011.

...Applicants

(By Advocate Mr.R.T.Pradeep)

**Versus**

1. The Senior Superintendent,  
Office of the Senior Superintendent,  
R.M.S. Thiruvananthapuram.
2. Chief Post Master General,  
Kerala Postal Circle, Thiruvananthapuram.
3. Circle Relaxation Committee,  
Kerala Postal Circle, Thiruvananthapuram.
4. Union of India represented by its Secretary,  
Ministry of Communications, New Delhi.

...Respondents

(By Advocate Mrs.Aysha Youseff,ACGSC)

This application having been heard on 18<sup>th</sup> March 2008 the Tribunal on 19<sup>th</sup> March 2008 delivered the following :-

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**ORDER**

**HON'BLE MR.JUSTICE M.RAMACHANDRAN, VICE CHAIRMAN**

One K.Devarajan had died in harness on 25.9.2002 consequent to a motor accident. He was employed during the relevant time as Ex-SG Mailman in the Trivandrum Division of R.M.S. His wife and son are the applicants in this application. After the death of K.Devarajan, the applicants had put in an petition that the 2<sup>nd</sup> applicant, who is aged about 23 years, should be given compassionate appointment. After due formalities, however, it appears that the application had been rejected by Annexure A-3 showing the following reasons :-

***"In your case you possess a house and land of your own. Children are grown up and the family pension is sufficient to run the family. Hence your request is rejected."***

2. An appeal therefrom had been filed before the Director, New Delhi, but, however, by Annexure A-5 dated 1.1.2007 the 1<sup>st</sup> applicant had been informed that the application has been rejected. Respondents had indicated that normally grounds which could justify compassionate appointment is the penurious condition of the deceased family as it was only a relief against destitution. The applicant did not come within the parameter prescribed. The application could be entertained only against 5% quota for Direct Recruitment earmarked for the purpose and only most deserving cases are considered.

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3. Citing the decision of the Ernakulam Bench in O.A.296/06, learned counsel for the applicant submits that the application has not been objectively considered. Practically, applicants were having very little to fall back upon as the family pension was Rs.1975/- and the residential house was really a hut, and these could not have been cited as reasons for rejecting the claims.

4. Relying on the reply statement filed and also, on the minutes of the Circle Relaxation Committee held on 8.4.2003, counsel for the respondents indicated that the claim had been critically examined. As many as 37 cases had been examined, and the claims which were too compassionate had been recommended. As far as the applicant's claim was concerned, records had been gone into, and when there were more deserving cases it necessarily had to be sidelined.

5. It is further pointed out that as pensionary benefits the applicants are receiving an amount of Rs.3502 + relief. Towards other lumpsum benefits an amount of Rs.2,26,480/- had been paid. The children had grown up and it could not have been considered as a case where the applicants were in penury.

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6. I have taken notice of the facts presented. It may not be possible for me to conclude that there has been any arbitrariness in the approach of the respondents. Very few posts are earmarked, and only for a prescribed duration. It may not be possible for the Government to favourably consider every case, which is presented. An expert body, therefore, sit in judgment of the application, and as long as there is no allegation that there were bias or that relevant materials had not been taken notice of, it may not be possible for the Tribunal to hold that the decisions arrived by them requires to be reviewed or set aside. Necessary materials had been made available by the respondents to show that the veracity of the claims had been scrupulously examined. In comparison, the applicant's position in life might be better off. When there is no error in the decision making process, and the decision is arrived at following the guidelines and parameters, it may not be prudent to interfere.

7. Resultantly, the application is dismissed.

(Dated this the 19<sup>th</sup> day of March 2008)



**(M.RAMACHANDRAN)**  
**VICE CHAIRMAN**

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