

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.50/2000

Monday this the 17th day of January, 2000

CORAM

HON'BLE MR.A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

1. C.Govindan, S/o Krishnan, aged 59 years
Cheriyachathothu House, Vaikkilassery (PO)
Vadakara-673 104,
Kozhikode District.
2. Balakrishnan C.H.
S-o C.Govindan, aged 26 years
Cheriyachathothu House,
Vaikkilassery (PO), Vadakara-673 104,
Kozhikode District. ...Applicants

(By Advocate Mr. P.K. Madhusoodhanan)

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1. Assistant Director (Accounts & Recruitment)
Office of the Chief Postmaster General,
Kerala Circle, Trivandrum.33.
2. The Director General Employment & Training,
Government of India,
Ministry of Labour (Ex-Servicemen-Cell)
2A/3, Kundan Mansion, Asaf Ali Road,
New Delhi.2.
3. Union of India, represented by
its Secretary, Ministry of Communications,
Government of India,
New Delhi.
4. Ministry of Labour, Government of India,
represented by its Secretary,
Klundan Mansion,
Asaf Ali Road, New Delhi.7. ...Respondents

(By Advocate Mr.Prasanthkumar rep. MR Suresh)

The application having been heard on 17.1.2000, the
Tribunal on the same day delivered the following:

O R D E R

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

The first applicant, an Ex-Serviceman
discharged on invalidation on 15.4.1970 was re-employed
as Extra Departmental Agent on 29.4.70. He was
eventually appointed as a Group D employee in the Postal

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Department on 1.7.79. While continuing in service the first applicant made a representation requesting for employment to the second applicant, the son. Thereafter, the applicant having been found not fit to be retained in service in any category, he was retired from service on invalid pension with effect from 25.3.97 by order dated 25-4-97 (A-9). The applicant thereafter made a representation to the Hon'ble Minister for Communications seeking employment assistance on compassionate grounds to be given to his son (the second applicant) on 17.9.97. In reply to this representation the applicant was informed by A.11 letter dated 12.2.98 of the first respondent that ^{as} he had crossed the age of 57 years on 9.1.97 and retired only on 25.3.97 on invalid pension, as per the scheme the benefit of employment assistance could not be extended to his son. Aggrieved by that the first applicant made a representation to the Hon'ble Minister for Communications on 29.7.98 but did not get any response so far. The applicant, has therefore filed this application praying that it may be declared that the second applicant is eligible to be considered for compassionate appointment on the basis of the scheme as a dependent of the disabled ex-serviceman over 50% who have become unfit for employment and the disability is attributable to military service and for a direction to the respondents to give the second applicant employment assistance on compassionate grounds.

2. On a careful scrutiny of the application and the annexures appended thereto and on hearing the learned counsel of the applicant and Shri Prasanthkumar, appearing for the respondents, we do not find any

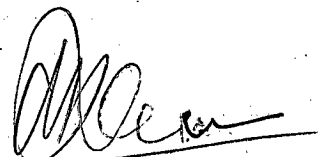
legitimate grievance of the applicants which calls for admission of this application. As per the provisions of the scheme as amended, the benefit of employment assistance on compassionate grounds would be available to dependents of employees retired on invalid grounds only if the retirement is before attaining the age of 57 years. As the first applicant was retired on medical invalidation on 25.3.97, while he had already crossed the 57 th year in January, 1997, we find that the first applicant does not have a legitimate claim for employment assistance to be extended to his son, the second applicant.

3. Finding no cause of action for the applicants which calls for adjudication, the application is rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 17th day of January, 2000



J.L. NEGI
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to:

Annexure.A9: True copy of Memo dated 25-4-97 of the Superintendent of Post Offices, Vadakara Division, Vadakara.

Annexure.All: True copy of letter dated 12.2.98 No.Rectt/7-62/97 dated at Trivandrum.33 the 12.2.98 sent by the 1st respondent to the 1st applicant.

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