

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.491/97

Tuesday this the 27th day of May, 1997.

CORAM

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

HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. K.Kamalamma,  
residing at T.C.No. 20/262,  
| Chettivilagam Road, Melarannoor,  
Thiruvananthapuram.2.

2. K. Ajikumar,  
residing at T.C.No.20/262,  
| Chettivilagam Road, Melarannoor,  
Thiruvananthapuram.2.

.. Applicants

(By Advocate Mr. P.K.Madhusoodhanan)

Vs.

1. The General Manager,  
Southern Railway, Park Town, Madras.3.

2. The Chief Personnel Officer,  
Southern Railway, Park Town,  
Madras.3.

3. The Divisional Personnel Officer,  
Southern Railway, Thiruvananthapuram. ... Respondents

(By Advocate Mr. K.Karthikeya Panicker)

The application having been heard on 27.5.1997, the  
Tribunal on the same day delivered the following:

O R D E R

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

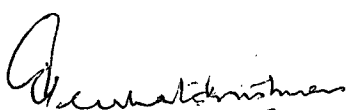
The second applicant is the youngest brother of one  
G.K.Murugan who died in harness on 28.4.1993 while working  
as a Khalasi Helper at Ernakulam South in the Trivandrum  
Division of Southern Railway. The first applicant is the  
mother of second applicant. Apart from the second  
applicant the first applicant have two other sons who are  
employed. When G.K.Murugan died in harness a claim for  
compassionate appointment to the second applicant was made

which was rejected. This application is aggrieved by that and the applicants pray for a declaration that the second applicant is eligible to be considered on merit for compassionate appointment in any one of the posts under the respondents and for an appropriate direction to the first respondent to consider A3 representation.

2. The respondents resist the claim of the applicants on the ground that the applicants did not satisfy the conditions required for grant of employment assistance on compassionate grounds and that the family which has two earning members cannot be considered to be indigent requiring assistance by the government by giving employment to the second applicant on compassionate grounds.


3. On hearing the learned counsel for both parties and on perusal of the pleadings we are of the considered view that the rejection of the case of the applicants for appointment of the second applicant on compassionate grounds cannot be faulted upon. According to the scheme for grant of employment assistance on compassionate grounds, when the family is otherwise able to survive with the help of the other earning members, employment assistance on compassionate grounds is neither warranted nor permissible. The Apex Court has in various rulings reiterated this position. We therefore, find no merit in this application even for admission and for further consideration. Therefore, the application is rejected under Section 19(3) of the Administrative Tribunals Act. No costs.

Dated the 27th day of May, 1997.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure A3 : A true copy of representation submitted by the 2nd applicant before the 1st respondent dated 24-6-1995. 

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