

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.491/02

Monday this the 27th day of October 2003

C O R A M :

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

P.A.Hariprasad  
S/o. late P.K.Andavan,  
Puthenveettil House,  
Konthuruthy, Thevara P.O.,  
Ernakulam.

Applicant

(By Advocate Mr.M.M.Saidu MUhammed)

Versus

1. Union of India, represented by  
Secretary to Government,  
Ministry of Agriculture,  
New Delhi.
2. M/s Integrated Fisheries Project,  
represented by its Director,  
P.B.No.1801, Kochi - 16.

Respondents

(By Advocate Mr.R.Prasanthkumar, ACGSC)

This application having been heard on 27th October, 2003  
the Tribunal on the same day delivered the following :


O R D E R

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

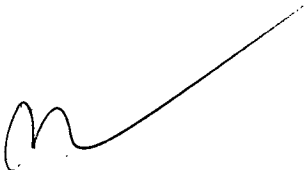
The applicant is the youngest of the children of late P.K.Andavan who while working as Junior Deck Hand under the 2nd respondent died in harness on 23.4.1997 after putting in a service of around 30 years. Late P.K.Andavan was survived by four daughters, a son and his widow. One of the daughters had already been married even before he died. The applicant was 17 years old when his father died. The family was in receipt of family pension of Rs.2456 and had received DCRG, GPF, CGEGIS etc. amounting to Rs.1,62,706. It is in possession of 5.75 cents of land and a house built on it. Three daughters have already been married and one is to be married. A request was made for appointment of the applicant on compassionate grounds on 2.6.1998. The request was rejected by communication dated.

27.3.2000 stating that as the applicant was only 17 years old at the time of making the application, his case could not be considered for employment assistance on compassionate grounds. Another application was made in August 2000 (Annexure A-2) seeking employment assistance on compassionate grounds. This was also rejected on identical grounds by A-3 dated 30.9.2000. A third application was sent on 23.10.2000 which was also rejected on the same ground by A-5 dated 30.11.2000. Thereafter the applicant's mother submitted A-6 application on 5.4.2001 seeking appointment of her son on compassionate grounds. This was disposed of by A-7 order dated 4.2.2002 on the ground that since the family was having income of Rs.2550/- p.m. and was in receipt of Rs.1,62,706 as terminal benefits, the committee did not find the family indigent deserving employment assistance on compassionate grounds. Aggrieved, the applicant has filed this application seeking to set aside A-7 order, for a declaration that the applicant is entitled to get appointment in a suitable post under the 2nd respondent on compassionate grounds and for a direction to the 2nd respondent to appoint the applicant in a suitable post on compassionate ground.

2. Although the application was posted on several occasions to enable the respondents to file reply statement, the respondents did not file any reply statement. The application was thereafter admitted and the case was posted on several occasions before the Registrar's court for completion of pleadings. Since the respondents did not file reply statement, the matter was posted before the Bench. Thereafter several adjournments were granted for filing reply statement. Unfortunately the respondents did not file reply statement. The



counsel for respondents is also not present when the case is taken up today. I find that the attitude towards the proceedings before the Tribunal by the respondents is highly regrettable. The respondents should have filed reply statement and made arrangement for presentation of their case. They have failed to do so. However, I have perused the application and have heard Shri.M.M.Saidu Mohammed, the learned counsel of the applicant and have given my anxious consideration to the facts and circumstances of the case emerging from the pleadings and submission of the counsel. I am of the considered view that the claim of the applicant for employment assistance on compassionate grounds, at this distance of time, cannot be entertained for a number of reasons. The family on the death of P.K.Andavan consisted of his widow, 3 unmarried daughters, all of them elders to the applicant and the applicant who was 17 years old then. One elder sister had already been married. The family was in receipt of family pension amounting to Rs.2456 p.m. and Rs.1,62,706 as terminal benefits. Undisputedly the family was in possession of 5,75 cents of land and a house situated on it. If the family had been in extreme penury and indigent circumstance on the death of P.K.Andavan, in all probability the claim for employment assistance would have been made for appointment of one of the daughters as all the three daughters were majors. For reason not stated in the application the family did not seek employment assistance immediately. The claim was made for the first time only on 2.6.1998 more than a year after the death of P.K.Andavan. When the application was made in 1998 the applicant was 18 years old. When no reply was received on the representation within 6 months an application under Section 19 of the Administrative Tribunals Act, 1985 should have been filed



within a year. The applicant or his family did not do that. The A-1 order dated 27.3.2000 was received only after the cause of action had been barred. In A-1 order the reason for rejection of the claim was that the applicant had not attained 18 years of age on the date of the application. This order could have been challenged because according to the applicant he was 18 when the application was filed, and even otherwise the age of 18 years need be insisted on at the time of appointment. Another order rejecting a second application was also not challenged. A further claim was made in 2001 which was rejected by impugned order. We find that neither the family of the applicant nor the applicant took timely action to seek remedy for denial of compassionate appointment. Even the claim for the first time for compassionate appointment was made more than a year after the death. Although three unmarried girls, old enough to be employed, were there in the family no claim was immediately made. The idea behind the scheme for compassionate appointment is to give immediate relief from extreme penury. The factual background shows that such a situation was wanting in this case. Now that there is no minor children in the family and even the applicant is aged more than 22 years, we are of the view that the decision of the Committee that the family does not deserve employment assistance on compassionate grounds cannot be faulted at all. As there is neither a legitimate grievance or subsisting cause of action, we dismiss the application without any order as to cost.

(Dated the 27th day of October 2003)



A.V. HARIDASAN  
VICE CHAIRMAN

aa.