

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.494/2001.

Thursday this the 23rd day of August 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

P.A.Zulfikar Ali,
Nadeera Manzil, Pettathodi,
Pudupalli Street, Palakkad-678004. Applicant

(By Advocate Shri V.Chitambaresh)

Vs.

1. Union of India, represented by
the Secretary to Ministry of
Communications, New Delhi.
2. The Post Master General,
Department of Posts,
Northern Region, Kerala Circle,
Kozhikode-673 011.
3. The Superintendent,
RMS 'CT' Division,
Kozhikode-673032. Respondents

(By Advocate Shri A.Rajeswari, ACGSC)

The application having been heard on 23rd August 2001
the Tribunal on the same day delivered the following:

O R D E R

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


While working as Sorting Assistant at Palakkad RMS CT Division, Shri P.B.Alikoya suddenly died of cardiac arrest on 6.8.1999, leaving behind his widow, his son the applicant and three daughters, the youngest of them studying in the VIIIth Standard. The applicant, a Matriculate and a certificate holder from I.T.I in Electronic Technician course, made a request for employment assistance on compassionate grounds as the family is without anything to fall back upon for sustenance. The request of the applicant for employment

assistance on compassionate grounds was turned down by impugned order A-5 on the sole ground that as the family has received admissible terminal benefits and is drawing the regular family pension, the Circle Relaxation Committee was of the opinion that the case was not covered by the guidelines given under the scheme for award of compassionate appointment.

2. The applicant has filed this O.A. impugning the order A-5 rejecting his claim for employment assistance on compassionate grounds and to direct the respondents to give him compassionate appointment.

3. The respondents have filed the reply statement reiterating what has been stated in the impugned order.

4. We have heard the learned counsel on either side. It has been held by the Apex Court in Balbir Kaur and another Vs. Steel Authority of India Limited and others ((2000) 6 SCC 493) that the fact that the family is in receipt of terminal benefits and family pension alone, is not a good ground for turning down the claim for employment assistance on compassionate grounds. The sole reason stated in the impugned order to turn down the claim of the applicant for employment assistance on compassionate ground is that the family is in receipt of terminal benefits and the widow is receiving the family pension. Terminal benefits and family pension would be due to almost all the dependent families. It was finding that, that alone would not be sufficient for the family to sustain



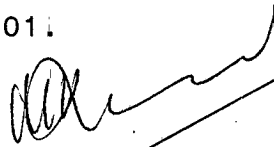
that the Scheme was evolved. In view of the ruling of the Hon'ble Supreme Court cited above, the impugned order cannot be sustained. Further the family is not in possession of any assets. The youngest daughter is studying in VIIIth Standard. With the meagre family pension and terminal benefits alone it may not be possible to educate the daughter and support the family. The respondents while rejecting the claim of the applicant lost sight of these relevant aspects.

5. In the result, in the light of what is stated above, the impugned order is set aside. Respondents are directed to consider the appointment of the applicant on compassionate grounds and to issue appropriate orders without further delay. No order as to costs.

Dated the 23rd August 2001.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THIS ORDER

1. Annexure A5: A true copy of the communication No.B.II/comp. Appt/2000/I dated 27.4.2001.

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