

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 505/89

199

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DATE OF DECISION 29.6.90

G Surendran Nair Applicant (s)

M/s MR Rajendran Nair &  
PA Asha Advocate for the Applicant (s)

Versus

Union of India rep. by its  
Secretary, Ministry of Defence,  
New Delhi and another. Respondent (s)

Mr P Santosh Kumar, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. MY Prielkar, Administrative Member

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? <sup>Yes</sup>
2. To be referred to the Reporter or not? <sup>no</sup>
3. Whether their Lordships wish to see the fair copy of the Judgement? <sup>no</sup>
4. To be circulated to all Benches of the Tribunal? <sup>no</sup>

JUDGEMENT

Shri N Dharmadan, Judicial Member

The applicant in this case claims for compassionate appointment in service on account of the death of his father in 1970 while in service. At the time of his death the applicant was a minor. When he attained majority in 1973 an application was filed before the Commanding Officer, Naval Coast Battery, Visakhapatnam, but it has been rejected as per orders at Annexure-1. The applicant again represented the matter before the Head Quarters Eastern Naval Command, Visakhapatnam which was also turned down on the ground of delay. Later at the request of the applicant, since further inquiry to the genuineness of the claim required consideration by higher authorities the applicant was directed to furnish more details as evidenced by Annexure-II.

Thus, the matter was considered and disposed of against the applicant as per Annexure e-III. Not having satisfied with the disposal of the <sup>claim by</sup> ~~earlier~~, the applicant filed further representation which resulted in the impugned order at Annexure IV.

2 The relevant portion of the impugned order reads as follows:

- "(a) Case submitted after the lapse of 3 years, since death of father,
- (b) Two of the dependents children were employed and the family was not in indigent circumstances".

3 The two grounds in the impugned order for the rejection are not satisfactory according to the learned counsel for the applicant. He submitted that at the time of the death of the government employee, the father of the applicant, he was a minor and he attained majority <sup>1/2</sup> only in 1973 and immediately thereafter he filed an application for getting employment and therefore, there is no substance in the first ground. We have perused the records and we are also satisfied that the first ground given in the impugned order cannot be sustained.

4 Regarding the second ground, the learned counsel for the respondents submitted that two of the children, who are employed, are separately residing and their income is not beneficial to the family in which the applicant is residing. The family is now in an indigent circumstance and the applicant's claim for compassionate appointment deserves fresh consideration. We are not


very much impressed by this argument. The matter had been already considered by different authorities. When two of the children of the deceased government servant are already employed, there is no reason to presume that the family is in indigent circumstance, even if for argument sake it is admitted, that the employed children are living separately and they are not looking after the affairs of the mother and brothers. No fresh inquiry on this question is called for at this belated stage.

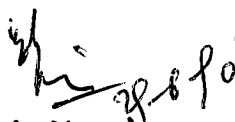
5 The compassionate appointment is a matter to be considered by the concerned authorities immediately after the death of the government servant i.e., in 1970 and such inquiry should also be conducted with regard to the family position of the dependent of the deceased employee at the time of his death. Now since considerable time has elapsed after the death of the employee and there was already enquiry by the authorities there is no point in making a further inquiry as to the indigent circumstance of the family.

6 The learned counsel for the applicant persuasively argued for a remand of the matter for fresh consideration as to the income of the family and the eligibility for compassionate appointment to the applicant. Having heard the arguments and after examining the available records we are not inclined to set aside the impugned order. The applicant has not produced any materials

to show that the family position is indigent and further help from the government is required. Hence on the facts and circumstances of the case we are satisfied that there is no merit in the arguments. In the result there is no substance in this application and it has to be dismissed and we do so.

7 There will be no order as to costs.

  
(N Dharmadan) 29.6.90.  
Judicial Member

  
(MY Priolkar)  
Administrative Member

29-6-90