

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 508 199 2

DATE OF DECISION 24.8.92

Ambika K.K. Applicant (s)

Mr. M.R. Rajendran Nair Advocate for the Applicant (s)

Versus

The Zonal Director, Cochin Base Respondent (s)
of Fishery Survey of India, P.B. No. 853,
Kochangadi, Kochi-5 and others

Mr. V. Krishnakumar, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. Habeeb Mohamed, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

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

JUDGEMENT

Mr. N. Dharmadan, Judicial Member

The applicant is the eldest daughter of late V.K. Ammini, who died in harness while working as Sr. Clerk in the Fisheries Survey of India, under the first respondent. She died on 27.5.88 after prolonged treatment in Sri Chithira Medical Centre, Trivandrum at the age of 48. The family consists of other 4 applicant and three/children aged 17 (sister), 20 and 14 (brothers) respectively and they are school going children. At the time of death of the mother, applicant's father was employed as an Attender in a Govt. Veterinary Hospital under the State Govt. He was also ill and bed ridden. Later, he retired on 1.4.90 and expired on 6.6.92. Before the retirement and death of her father, she moved respondents for an appointment on compassionate grounds taking into

consideration the miserable financial position of the family at the relevant time. Annexure-I is the representation filed by her father and Annexure-III and IV are the representations dated 12.1.91 and 22.2.91 by the applicant. After considering the representations, the impugned Annexure-II order was passed. It reads as follows:

"I am to inform you that your case for appointment on compassionate grounds has been examined by the Internal Committee of the Department, and the Committee has indicated that your case is not deserving for consideration. As such your application cannot be considered and the same is hereby rejected."

2. The applicant is challenging Annexure-II order and seeks for a direction to respondents to grant relief of appointment considering the representations.
3. In the reply statement filed by the respondents, they have stated that applicant's father is employed in the State Govt. service and the family possesses 5 cents of land. Therefore, the family of the applicant is in sound financial position. According to the respondents, the applicant is not eligible for compassionate appointment and the application is liable to be dismissed.
4. We have heard learned counsel for both parties. Respondents denied compassionate appointment on the ground that the applicant's father is earning even after/ the death of the mother. This is indicated in Annexure R-2 order of the Sr. Administrative Officer dated 28.1.91. The reason for rejecting the compassionate appointment has disappeared on the death of the applicant's father on 6.6.92. There are four children including the applicant and all of them are unemployed. Three of them are school going children and the family requires immediate financial assistance.
5. Immediately after the death of the father, the applicant filed M.P. 1068/92 for grant of immediate

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financial assistance by engaging the applicant in any post available under the respondents. We have heard the M.P. on 30.7.92 and passed the following order:

"In the circumstances, we direct the respondent No.1 to consider the applicant for immediate provisional casual employment until further orders, if work is available."

Learned counsel for applicant submitted that respondents have not granted the applicant any employment pursuant to our interim order dated 30.7.92.

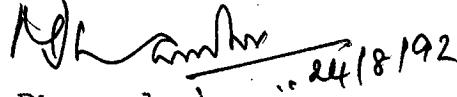
6. Under the above circumstance, the respondents should have respected the order of the Tribunal and granted casual employment to the applicant in implementation of the order.

7. Having regard to the facts and circumstances of the case, we are satisfied that this is a proper case for grant of compassionate appointment. There is no one to look after the family and it will be difficult for the applicant's family to survive without any employment or other assistance.

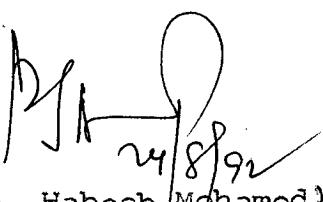
8. Under these circumstances, we quash Annexure-II and direct the first respondent to reconsider the matter in the light of the relevant guidelines and dispose of the representation Annexure-III and IV afresh in accordance with law. This shall be done within a period of two months from the date of receipt of a copy of this judgment. In the meantime, the first respondent is directed to implement the interim order forthwith, if necessary by creating supernumerary post.

9. The application is allowed as indicated above.

10. There will be no order as to costs.


(N. Dharmadan)
Judicial Member

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(P.S. Habeeb Mohamed)
Administrative Member