

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.532 of 1999

Thursday this the 29th day of April, 1999

CORAM

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

1. Yesoda
Perappachi Veedu
IV/420 Nemom Panchayat,
Edagramom, Karumom PO.

2. J.Ranji, Perappachi Veedu,
IV/420, Nemom Panchayat,
Edagramom, Karumom PO.Applicants

(By Advocate Mr. G.Sasidharan Chempazhanthiyil)

Vs.

1. Chief Postmaster General,
Kerala Circle, Trivandrum.

2. Circle Relaxation Committee rep. by
its Chief Postmaster General,
Kerala Circle, Trivandrum.

3. Aruna Jain, Director (Staff)
Office of the Director General,
Postal Department, New Delhi.

4. Director General,
Postal Department,
New Delhi.

5. Union of India rep. by its
Secretary, Ministry of Communications,
New Delhi.Respondents.

(By Advocate Mr. P.M.M Najeeb Khan (rep.)
R.12,4&5

The application having been heard on 29.4.99, the
Tribunal on the same day delivered the following:

O R D E R

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

This application is directed against an
order dated 12.1.99 of the third respondent declining to
accede to the request of the applicants for employment
assistance on compassionate grounds to the second
applicant. The facts in brief as stated in the
application are as follows:

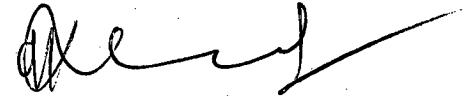
2. The first applicant who commenced service as a casual labourer was absorbed on a regular Group 'D' post with effect from 12.10.92. As she was suffering from serious ailment she was retired on invalid ground with effect from 16.9.96. The first applicant has four children. The second applicant is the elder son. Two daughters are already married of whom one is an employee under the KSRTC. Another brother of the second applicant was also married. The second applicant also got married in February, 1998 while his claim for compassionate appointment was being reconsidered. It is alleged that on account of the ailment the first applicant is not able to move about and the family pension which she is in receipt of is highly insufficient to make both ends meet. As the second applicant is unemployed the applicants claim that there is a genuine ground for employment assistance on compassionate grounds. Reliance has been placed to the recent instructions dated 9.10.98 in regard to the claim for compassionate appointments, wherein it has been stipulated that cases of compassionate appointment for the dependents of deceased or invalidated Group D employees need sympathetic consideration even by relaxation of the standards.

3. The applicants state that as the competent authority has not made a realistic assessment of the situation and has based on incorrect report came to the conclusion that the family does not deserve employment assistance on compassionate grounds, ~~xxxxxx~~ the impugned order is liable to be set aside as the interests of justice demands a direction to the respondents to reconsider the case of the second applicant for employment assistance.

4. I have heard Shri Sasidharan Chempazhanthiyil, learned counsel for the applicant and counsel appearing for the Additional Central Government Standing Counsel Shri PMM Najeeb Khan and have gone through the entire materials placed on record. A careful reading of the averments in the application as also the impugned order would reveal that the decision taken by the third respondent in not extending the benefit of compassionate appointment to the second applicant cannot be faulted. As pertinently stated in the impugned order the number of vacancies which would be available for employment assistance on compassionate grounds ~~as~~ being very much less in comparison to the cases deserving such consideration the case of the applicants cannot be considered to be of one of extreme indigence where employment assistance on compassionate grounds is unavoidable. The relevant factors to be taken into consideration for deciding whether the family urgently ^{are} needs employment assistance on compassionate grounds, /the number of dependent members of the family, the social obligations of the family, the income and the age of the members of the family among others. In the case of the applicants three of the children of the first applicant other than the second applicant are already on their own being married and employed. The second applicant himself is 26 years old, able bodied and recently married. The first applicant is in receipt of a family pension on the death of her husband who was an employee of the KSRTC. Thus the factual material does not disclose a case of extreme indigence which badly calls for extension of employment assistance to the second applicant. The

scheme for employment assistance on compassionate grounds was not evolved with a view to provide employment for each and every dependent son or daughter of the deceased, or disabled government employee but only designed to save the family of the deceased or disabled which would be left destitute and in extreme indigence. Thus finding nothing in this application which needs further deliberation, the application is rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 29th day of April, 1999



A.V. HARIDASAN
VICE CHAIRMAN

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