

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 538/02

Thursday this the 8th day of August, 2002.

CORAM

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

Juby Mathew
S/o Late A.C.Mathew
Now residing at House No.D-35
Bhagatsingh Road, Pettah
Thiruvananthapuram.

Applicant.

(By advocate Mr.S.Mohandas)

Versus.

1. Comptroller & Auditor General of India
New Delhi.
2. Accountant General (Audit) Kerala
Thiruvananthapuram.
3. The Union of India rep.by
Secretary to Government of India
Ministry of Finance,
New Delhi.

Respondents.

(By advocate Mr.P.M.M.Najeeb Khan)

The application having been heard on 8th August, 2002, 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 the order dated 16th August, 2001 of the first respondent turning down the claim of the applicant for employment assistance on compassionate grounds. Applicant's father while working as Audit Officer under the second respondent died in an accident on 19.5.97, leaving behind his widow, a retired State Government servant and three sons, the applicant being the eldest and the younger and youngest then studying in the Engineering and Medical Colleges. The applicant's claim for compassionate appointment was earlier rejected. The applicant filed OA No.1142/2000 which was rejected

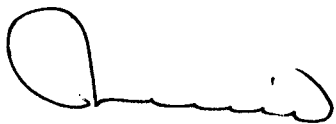
on account of limitation. Applicant carried the matter before the Hon'ble High Court of Kerala by filing O.P.No.31445/2000 which was disposed of with a direction to the respondents to entertain the claim for compassionate appointment preferred by the mother of the applicant on behalf of her son and to pass an order within a period of three months. The impugned order has been passed in obedience to the above directions. It is alleged in the application that the impugned order rejecting the claim of the applicant for employment assistance on compassionate grounds just for the reason that the family is in receipt of terminal benefits and family pension is arbitrary and irrational and without application of mind. The applicant, therefore, seeks to set aside the impugned order Annexure A-8 and for a direction to the respondents to consider appointment of the applicant on compassionate grounds and issue favourable orders to appoint the applicant in any Group-C post.

2. We have heard Mr.Mohandas, learned counsel for the applicant and Mr.P.M.M.Najeeb Khan, learned counsel for the respondents. A reading of the impugned order Annexure A-8 would clearly indicate that the claim of the applicant for appointment on compassionate grounds was rejected after due application of mind to all the relevant facts. The details of the financial benefits received by the family on the death of the applicant's father and the family pension as also the pension received by the mother of the applicant have been set out in the order. It has been noted that the family is in possession of a residential house built in an area of about 2200 sq.ft., that after meeting the liabilities, an amount of Rs.4,11,199 remained with the

family out of the terminal benefits received and that the mother of the applicant was in receipt of monthly family pension of Rs.4875 in addition to her own monthly pension of Rs.1101 (pre-revised). It is also seen that one son of late A.C.Mathew has taken his degree in Engineering and the other is undergoing internship on completion of medical degree and the applicant is already a graduate. It is considering all these facts which are highly relevant that the conclusion was arrived at that the family is not in such an indigent situation which warrants employment assistance on compassionate grounds. There are no minor children or girls to be married and all the sons have completed their education. With the fairly good amount left after meeting the liabilities and the pension, the family can get on without assistance. We are unable to find fault with this conclusion, for, it has been reached ~~at~~ on an overall consideration of all the relevant facts.

3. In these circumstances, we are of the considered view that there is nothing more in this case which calls for admission of the application and further deliberation. Hence the application is rejected under section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 8th August, 2002.



T.N.T.NAYAR
ADMINISTRATIVE MEMBER

aa.



A.V.HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-I: True copy of letter dated 29.5.1997 sent to A.G(Audit) Kerala by Smt.Enid Mathew, mother of the applicant.
2. A-II: True copy of Note No.Au/Admn.III/5-2(A)/Vol.II/335 dated 3.12.97 issued by the office of the A.G (Audit) Kerala.
3. A-III: True copy of representation dated 24.7.98 sent to C&A.G, New Delhi by applicant's mother Enid Mathew.
4. A-IV: True copy of Note No.Au/Admn.III/5-2(A)/Vol.II/279 dated 14.12.98 issued by the office of the A.G(Audit) Kerala.
5. A-V: True copy of review petition dated 22.3.99 filed by the applicant before C&A.G., New Delhi.
6. A-VI: True copy of order dated 30.10.2000 in O.A.No.1142/00 issued by CAT, Ernakulam.
7. A-VII: True copy of judgement dated 8.6.01 in OP No.31445/00 of the Hon'ble High Court of Kerala.
8. A-VIII: True copy of Order dated 16.8.2001 issued by the Office of the C&A.G alongwith a copy of forwarding letter dated 24.8.01 issued by the office of the A.G (Audit) Kerala.
9. A-IX: True copy of judgement dated 21.3.02 in CCC No.1300/01 of the Hon'ble High Court of Kerala.
10. A-C: True copy of scheme for compassionate appointment issued by Govt. of India.

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28.8.02