

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 547 OF 2011

Tuesday, this the 21st day of June, 2011

CORAM:

HON'BLE Ms. K. NOORJEHAN, ADMINISTRATIVE MEMBER

K Deepa
Karuna Nivas
Komath Kara, Koilandy
Kozhikode

- Applicant

(By Advocate Mr.Vishnu S Chempazhanthiyil)

Versus

1. Union of India, represented by
The Director General
Department of Posts
Dak Bhavan, New Delhi -1

2. The Postmaster General
Department of Posts
Northern Region, Kerala Circle
Calicut – 673 011

3. The Senior Superintendent of Post Offices
Calicut Postal Division, Calicut-12

- Respondents

(By Advocate Mr.Sunil Jacob Jose, SCGSC)

The application having been heard on 21.06.2011, the Tribunal on the same day delivered the following:

ORDER**HON'BLE Ms. K. NOORJEHAN, ADMINISTRATIVE MEMBER**

1. The applicant is aggrieved by the non-consideration of her case for appointment under Compassionate Ground Appointment Scheme.

2. The applicant is the daughter of Shri. Balachandran Nair who died while in service on 24.11.1997, while working as , Ex-SPM of Puthiyara Post Office in Calicut Division. According to the counsel, her father was the only earning member in the family and his sudden demise left the family in economic hardship. Therefore she submitted her application dated 12.12.1997 (Annexure A-2) requesting for a job under the scheme for the wards of those who died in harness. However, her case was not considered favourably by the competent authority. Such action on their part she claims it is unjust, illegal and arbitrary. However, she produced Annexure A-4 which is a communication received from the then Hon'ble Minister of State for Communications to Shri O Rajagopal the then Hon'ble Minister of State for Law, Justice & Company Affairs. According to this letter, her case was rejected as her family is not found to be facing financial crisis.

3. A perusal of Annexure A-4 shows that the mother of the applicant is employed as a teacher in High School. The family owns a house and the brother of the applicant is doing his Engineering course and the applicant herself is a Post Graduate with a B.Ed degree.



4. In a catena of judgments the Apex Court has held that "Offering Compassionate Appointment as a matter of course irrespective of the financial condition of the family of the deceased or medically retired Government servant is legally impermissible." According to para 9(a) of DOPT(OM) No.14014/6/94-Estt(D) dated 09.10.1998, when there is an earning member in the family, a dependent family member may be considered for compassionate appointment with prior approval of the Secretary of the Department concerned and before approving such appointment, will satisfy himself that grant of compassionate appointment is justified having regard to number of dependents, assets and liabilities left by the Government servant, income of the earning member etc.

5. In this case the family owns a house and the mother of the applicant is a High School Teacher and she receives family pension also. The size of the family is small with only two children. The wards of Late Shri V Balachandran Nair, Ex-SPM are well educated and the the family is not at all in indigent condition. Both the children are capable of getting a job on their own merit. The respondents cannot be faulted for approving, the cases of those wards, who are more deserving due to the financial crisis they face on the sudden demise of the breadwinner of the family.

6. In this view of the matter there is no merit in this Original Application and hence it is dismissed. No costs.

(Dated this the 21st day of June 2011)


(K NOORJEHAN)
ADMINISTRATIVE MEMBER

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