

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 548/ 1992
XXXXXX 199

DATE OF DECISION 28-1-1993

Lalitha Ganesan _____ Applicant (s)

Mr Ashok M Cherian _____ Advocate for the Applicant (s)

Union of India rep. by the
Secretary/Chairman, Deptt. of Respondent (s)
Space, ISRO, Bangalore and
others.

Mr George CP Tharakan, SCGSC _____ Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N Dharmadan, Judicial Member

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1. Whether Reporters of local papers may be allowed to see the Judgement?
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

The applicant is the wife of a deceased employee of
Vikram Sarabhai Space Centre, VSSC, for short. She is
aggrieved by the Annexure A2 order by which her request for
compassionate appointment to one of her daughters has been
rejected.

2 According to the applicant, her husband Late Shri G.
Ganesan while working as Engineer SE under the respondents
died on 21.1.1990 leaving behind two daughters and a son with/
The applicant is a graduate in Mathematics and the eldest
daughter is doing M.C.A. The second daughter is doing II year
B.Com. The son being minor, the applicant filed a representation
dated 27.7.1990 at Annexure A-1 for compassionate appointment
either to her or to one of her daughters on the ground that

the income now they receive is not sufficient to maintain the family.

3 Respondents after considering the request passed an order dated 22.4.1991 at Annexure A-2 holding that this is not a fit case for grant of further assistance by way of grant of appointment on compassionate ground as claimed by the applicant.

4 The rejection of the request was challenged by the applicant mainly on the ground of differential treatment. In Ground-C, the applicant has stated that the respondents have not taken a uniform formula in the matter of grant of compassionate appointment. Claimants are treated differently in the matter of compassionate appointment even though they are similarly situated in all respects.⁴ The applicant has referred to the case of one B. Viswanath Pillai who died while in service as Administrative Officer in the VSSC on 24.9.1987. He was survived by his wife and only son who was studying for B.Sc. The son was given compassionate appointment even though the family was getting family pension and other pensionary benefits.

According to the applicant, when the son of late Shri Viswanath Pillai was granted compassionate appointment, there is no reason to deny the same benefit to the applicant by accepting her request dated 27.7.90 at Annexure A-1.

5 Respondents in the reply statement stated that the applicant's husband was working as Scientific Engineer 'SE' in the scale of Rs 3700 - 5000 and he was

drawing a basic pay of Rs 5000 at the time of his death.

The family ~~has~~ received an amount of Rs 3,49, 744.00 towards gratuity and other benefits. At present, the family is getting a sum of Rs 2565/- per month as family pension. They further submitted that the family is having two houses at Trivandrum and circumstances are such that no compassionate appointment need be given to the family.

6 The applicant filed a rejoinder stating that even though the family after the death of her husband received a sum of Rs 3,49, 744/- towards DCRG and death benefits, out of which Rs 1,71,331/- was recovered by the authority on account of House Building Loan. Hence, the applicant received only Rs 1,17,430/- out of which a substantial portion was spent by the applicant for medical expenses and the family pension received by the applicant is not sufficient for maintaining the family consisting four members. They have only one house.

7 Very ~~xxxx~~ purpose of granting compassionate appointment is to give some financial assistance to the family of a government employee on account of the sudden death of the government employee before normal superannuation. In this case, the facts and circumstances adduced by the respondents indicate that there is no genuine necessity of getting compassionate appointment for maintaining the family. ^{at present.} However, the learned counsel for the applicant submitted that the respondents are not adopting a uniform and consistent policy and principle for grant

of compassionate appointment. In the case of Shri Viswanath Pillai who was also working in the same grade in which the applicant's husband was at the time of death, the respondents have granted compassionate appointment to his son even though the family was having sufficient financial background. This statement was not strongly denied by the respondents in their reply statement. They have stated that each case is being examined separately and according to the respondents Shri Viswanath Pillai's case is a deserving one and hence compassionate appointment was granted to his son.

8 The authorities while considering the claims of compassionate appointments should examine and satisfy as to whether the financial background and family position of the employee at the time of the death is such that it can pull on without any difficulty notwithstanding the demise of the earning member. Such an enquiry does not appear to have been made in this case. But some materials are made available to indicate that the family has a house to reside and family pension. Whether that is sufficient having regard to status has not gone into by any of the authorities. It is clear that due to the death of Ganesan the applicant has the burden of arranging the marriages of two daughters and the financial position of the family as explained in the reply statement does not appear to be sufficient for meeting such expenses. However, these are not generally considered for grant of compassionate

appointment by the Committee. In this case also the authorities have not examined this aspect under these circumstances, the learned counsel Shri Ashok M Cherian forcefully pressed for direction to reconsider the case of the applicant for compassionate appointment.

9 Having considered the facts and circumstances of the case, I am of the view that the impugned order at Annexure A-2 is not liable to be set aside and the application is to be rejected. I do so. But this will not preclude the applicant from approaching again for appointment on the ground of compassionate appointment provided she can furnish sufficient facts and figures about the indigent circumstances and necessity for any such support from the respondents.

10 In the result the D.A. is dismissed with the above observations.

11 No order as to costs.


N. Dharmadan
28-1-93
(N. Dharmadan)
Judicial Member
28-1-93