

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 550 of 2006

Monday..., this the 26th day of March, 2007

C O R A M :

HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

K.V. Haneesh,
S/o. Late N.V. Kunhikannan
(H.G. Postman, Taliparamba),
Swamikripa, Vadakkumbad,
Kunhimangalam, Kannur : 670 309 ... Applicant.

(By Advocate Mr. T.R. Rajan)

v e r s u s

1. The Department of Posts represented by its Director General, New Delhi.
2. The Circle Relaxation Committee, Department of Posts, Kerala Circle, represented by the Chief Postmaster General, Thiruvananthapuram.
3. The Superintendent of Post Offices, Kannur Division, Kannur. ... Respondents.

(By Advocate Mr. T P M Ibrahim Khan, SCGSC)

The Original Application having been heard on 14.03.07, this Tribunal on 26-3-07 delivered the following :

O R D E R
HON'BLE DR. K B S RAJAN, JUDICIAL MEMBER

Challenge in this case is rejection of the application of the applicant for grant of compassionate appointment. Reason? That the CRC has not

recommended the case on the ground that the family is not in financial distress.

Annexure A-1 order dated 22-02-2006 refers.

2. Not much of discussion is required for considering the application. Suffice it to state that though the CRC has not recommended, there is no indication to hold that the CRC has taken into account the extent of liabilities fastened to the applicant's family. The application talks of the following liabilities vide Annexure A-3.

HBA	Rs. 75856/-
Chitty	Rs. 46500/-
Bank Loan	Rs. 20000/-
Coop. Dues	Rs. 1131/-
Total:	Rs. 1,43,487/-

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It is not exactly clear whether the above amount of liability had been deducted from the assets of the family. Each and every liability had been supported by documentary evidence. Thus, if according to the respondents, a sum of Rs 2,82,626/- had been paid to the family in addition to monthly family pension, from the said amount straightway, a sum of Rs 1,43,487/- would have gone out for liquidation of the above liabilities, leaving a balance of Rs 1,39,139/- only. Of course, family pension and residential house are also to be considered.

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3. The question is whether while recommending compassionate appointment of other applicants as contained in Annexure R-1, is there any case where the financial condition of the family was better than that of the applicant. If so, obviously, the case of the applicant has to be considered. As the records do not reflect such facts, it would be appropriate to issue direction to the respondents to ascertain from the records whether the respondents have taken into account the liabilities fastened to the family of the deceased government employee and if not to take into account the same, contrast it with other cases on the basis of the norms prescribed by the Government and arrive at a just decision and communicate to the applicant of the said decision. In case still the financial position of the family was held to be sound, the applicant should be informed, giving details of other cases as to how their financial condition was more deserving for compassionate appointment than the applicant. For this purpose, case with identical number of family members (preferably with the same ratio of males and females) be compared and contrasted and decision taken. This task be completed within a period of three months of the date of communication of this order.

4. The O.A. is disposed of as above. No costs.

(Dated, the 26th March, 2007)



Dr. K B S RAJAN
JUDICIAL MEMBER

cvr.