

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 552
F. A. No.

199 2

DATE OF DECISION 11.1.93

T. R. Radha Applicant (s)

Mr. Asok M. Cherian Advocate for the Applicant (s)

Versus

The General Manager, Southern Railway, Madras and others Respondent (s)

Mr. M. C. Cherian Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. Dharmadan, Judicial Member

The Hon'ble Mr. R. Rangarajan, Administrative Member

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

Mr. N. Dharmadan, Judicial Member

Applicant is the wife of the deceased Government employee who expired on 13.5.1976 while working as Trimmer in Cochin Harbour Terminus. Applicant submitted application for getting compassionate appointment for her fourth son Shri Suraj. This was considered by the Circle Relaxation Committee and ~~xxxxxx~~ the impugned order Annexure A-1 dated 5.2.1992 was passed rejecting the requirements. ever since

2. According to the applicant, /her husband's death the family is in indigent circumstances and requires financial assistance of the Government by granting compassionate appointment to one of her sons. The applicant's fourth son Shri T. R. Suraj was a minor at the time of the death

of her husband and he attained majority on 15.4.86 and immediately Annexure A-2 representation was filed. This was considered by the competent authority and the impugned order has been passed.

3. Respondents have filed a detailed reply and submitted that the request of the applicant is highly belated. They have also stated that the second son of the applicant attained majority in 1979 and the applicant could have staked her claim immediately after attainment of majority by the second son. Annexure R-1 representation was submitted only in 1989 and that was filed in respect of the fourth son. They also produced Annexure R-2 enquiry report which shows that the eldest son of the applicant is employed even at the time when the death of the Govt. servant took place. It also details of ^{discloses the} amount available to the family. Respondents also produced Annexure R-3 guidelines in which it is stated that "where there is more than one minor sons, it is only the eldest minor son who will be considered for appointment when he attains majority and not any other sons."

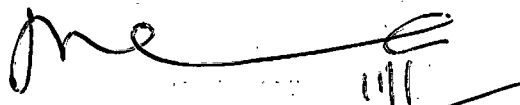
4. Learned counsel for the applicant submitted that even in spite of the fact that the first son of the applicant is employed, the family is in indigent circumstances and the compassionate appointment should be granted to the fourth son. But the respondents opposed the same placing reliance on Annexure R-3 guidelines issued by the Railway Board. The guidelines contained in Annexure R-3 specify that when there are more than one minors available, ~~xxx~~ compassionate appointment can be considered only in respect of the son who attains majority first. In this case, admittedly, the second son of the applicant attained majority and became eligible for consideration of compassionate appointment in 1979. But nobody has made any request for appointment.

4


Annexure R-1 representation has been filed in this behalf on 27.12.89. That request was made for appointment of the fourth son. The application submitted by the applicant is against the guidelines and it cannot be sustained.

5. Having regard to the facts and circumstances of the case, the application is liable to be dismissed. Accordingly we dismiss the same.

6. There will be no order as to costs.


(R. Rangarajan)
Administrative Member

kmm


(N. Dharmadan)
Judicial Member
11.1.93