

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A. NO.555/2010**

**Dated this the 16<sup>th</sup> day of May , 2011**

**C O R A M**

**HON'BLE Mrs.K. NOORJEHAN, ADMINISTRATIVE MEMBER**

Vineesh T.V, S/o late T.C.Viswambharan  
Thuruthummel House, 'Meenakshy'  
Anchery, Kuriachira P.O, Thrissur-680006.

**Applicant**

**By Advocate Mr Elvin Peter P.J**

**Vs**

- 1      The Commissioner of Central Excise & Customs  
         C.R.Buildings, I.S.Press Road, Kochi-18.
- 2      The Chief Commissioner of Central Excise & Customs  
         C.R.Buildings, I.S.Press Road, Kochi-18.
- 3      The Chairman, Central Board of Excise and Customs,  
         North Block, New Delhi-110001.
- 4      Union of India represented by the Secretary Dept of  
         Revenue, Mini.of Finance, North Block, New Delhi-1.

**Respondents**

**By Advocate Mr. Sunil Jacob Jose, SCGSC.**

**The Application having been heard on 4.3.2011 the Tribunal  
delivered the following:**

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

The applicant is the son of Sri T.C.Viswambharan, who died on 15.7.2006 while working as Head Havildar in the Central Excise and Customs Department. The deceased employee was survived by the widow and three son. The applicant is the youngest son of the deceased. It is submitted that the entire family depended on the income of the deceased. The applicant submitted his application seeking appointment under the dying in harness scheme on 7.8.2006 alongwith the application of the widow of the deceased requesting appointment to the applicant. No Objection certificates of the brothers of the applicant were also enclosed with the application for appointment on compassionate ground. The respondents rejected his application by order dated 1.12.2009 stating that maximum period of 3 years prescribed by the Govt of India has expired.. The applicant has referred to the decision of this Tribunal in OA No.423/2006 holding that the delay caused by the respondents in considering the application beyond 3 years is not a ground for rejecting the application. Hence he filed this O.A to quash Annexure A-4 order, consider Annx.A3 application submitted by the applicant under the scheme to vacancies that arose between 15.7.2006 to 14.7.2009. and to declare that the applicant is entitled for compassionate appointment.

2      The respondents filed reply statement resisting the O.A.



They submitted that the scheme of compassionate appointment is to grant appointment to a dependent family member of a Government servant dying in harness/retired on medical grounds leaving his family in penury and without any means of livelihood to relieve the family from financial destitution. They submitted that the Administration constituted a Committee for considering compassionate appointments in the respondents department. They stated that the application submitted by the applicant for compassionate appointment was considered in the meeting of the Committee held on 15.2.07, 2.4.07, 10.7.07, 21.8.07, 23.11.07, 31.3.08, 9.12.08, 31.3.09 and 14.8.09. It is also submitted that five vacancies arose during the relevant period which have been filled up by giving appointment to the most deserving applicants as decided by the Committee. They further submitted that there was no delay on the part of the respondents in considering the request of the applicant. His name was included in the panel on time and while filling up those five vacancies he was very much in the panel.. It is also submitted that when appointment could not be offered within the prescribed time limit of 3 years, the Committee decided to close further action on the application.

3 In the rejoinder the applicant raised doubt about the contention of the respondents that the claim of the applicant was considered continuously for 3 years and the respondents gave appointment to deserving candidates. This Tribunal on 4.1.2011 directed the respondents to produce the list of those applicants

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who were considered and selected against the vacancies from 2007 to 2009. In compliance with the directions the respondents have filed the relevant information in a tabular form alongwith minutes of the meetings of the Committee from 15.2.07 to 15.3.2010 alongwith MA dated 29<sup>th</sup> March 2011.

4 We have heard learned counsel for the parties and perused the record.

5 The Scheme evolved by the Government of India for consideration for appointment on compassionate ground to a family member of a Government servant dying in harness leaving behind the family in penury is to extend immediate relief to the family to face the sudden and unexpected economic hardship. There are other parameters like number of dependents, extent of liabilities, etc. In this case, there are three sons and widow in the family. Besides the applicant, the youngest son, the details of other two sons are not known. The Committee met from time to time and recommended 5 most deserving candidates for appointment during the period and the case of the applicant could not be recommended on the relative merit of the candidates. The respondents have considered the applicant continuously for 3 years as evident from the record submitted. There appears to be no delay on the part of the respondents in considering the application submitted by the applicant. The whole objective of granting compassionate appointment is to enable the



family to tide over the sudden crisis and it is not meant to give employment to one member of such a family.

6. In view of the above, I am of the opinion that the applicant has no case and this O.A devoid of any merit is liable to be dismissed. I, therefore, dismiss this O.A. With no order as to costs.

  
**K. NOORJEHAN**  
**ADMINISTRATIVE MEMBER**

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