

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 589/90
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199

DATE OF DECISION 19.7.91.

A.V. Prasanna & Another Applicant (s)

M/s O.V. Radhakrishnan Advocate for the Applicant (s)

Versus

Chairman, Circle Relaxation Respondent (s)
Committee, Kerala Circle, Tvm.
and three others.

Mr. A.A. Abdul Hassan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P. Mukerji

Vice Chairman

The Hon'ble Mr. N. Dharmadan

Judicial 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

SHRI N. DHARMADAN, JUDICIAL MEMBER

This application was filed for a compassionate appointment to the first applicant, who is the son of Late Shri S. Antony, Selection Grade Mailman, who died in harness while working in Sub-Record Office, Kottarakkara. The second applicant is the wife of Late Antony. Antony died on 4.12.88 due to heart attack while in service as a Class IV employee. He left behind him his wife and three children including the first applicant.

2. It is admitted that the second applicant is employed in a Group 'D' post even when Antony expired in 1988 and

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she is getting a salary of Rs.875/-. In addition to this amount she is also getting a family pension of Rs.475/- per mensem due to Antony. These amounts, according to the applicant, are not sufficient to meet the family expenses. The family is in pathetic condition requiring some financial assistance from the Government. Hence, the first applicant filed Annexure-AI dated 12.12.88, for getting a compassionate appointment for him, but it was rejected as per Annexure A2. (b) Annexure A3 has been filed before the Director General by the second applicant as on appeal for re-consideration of the matter. It is that ^{at} at that stage, the applicants approached this Tribunal and filed this application with the following prayers.

- "1. To direct the respondents to give the first applicant suitable appointment under the Department under the scheme for compassionate appointment to the dependents of Government servants who die in harness;
2. To grant such other reliefs which this Hon'ble Tribunal may deem fit just and proper in the circumstances of the case."
3. The respondents in the counter affidavit submitted that the family of the applicants is not in indigent circumstances. Immediately on the death

of Antony a sum of Rs.23,275/- was paid to the family towards the death-cum-retirement gratuity.

A further sum of Rs.10,868/- was also disbursed to the family being the amount payable under the Central Government Employees' Insurance Scheme.

The widow of Antony was also sanctioned a sum of Rs.475/- Plus Dearness Allowance per month as family pension. She is employed as a Group 'D' employee in the Postal Department, on a monthly salary of Rs.1200/-. Hence, according to the respondents the family of the applicants is not in indigent circumstances for getting compassionate appointment on account of the death of Antony. The Circle Relaxation Committee considered all these aspects and rejected the claim. Annexure -31 appeal is being examined by the 3rd respondent.

4. When the matter came up for hearing we requested the learned counsel appearing on behalf of the respondents, to ascertain and submit the present stage of the disposal of the appeal, Annexure-A3, filed by the second applicant.

Accordingly, the learned counsel for the respondents,

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produced the order disposing all the appeal
alongwith the statement dated 19th June, 1991.

The relevant portion reads as follows:

" I am directed to refer to your office D.O. letter No. Rectt./7-10/89 dated 10.12.90 on the above subject and to say that the case of Shri A.V. Prasannan son of late Shri S. Antony for employment has been considered but rejected. As per rules such appointment can be given to a dependent of the Government servant who dies while in service leaving behind his family in indigent circumstances with no source of income. In this case widow of the ex-official is employed in Deptt. of posts and getting Rs.1126/- per month. A sum of Rs.34,000/- has also been paid to her in the shape of terminal benefits besides family pension @ Rs.475/- p.m. In the absence of indigent circumstance case has been rejected by the Selection Committee. It is also presumed that intimation regarding rejection of the case was duly sent to the applicant particularly after submission of representation dated 25.04.99, to the Directorate.

2. A reply to the sponsoring authority has already been given (copy enclosed). The CAT may be informed accordingly."

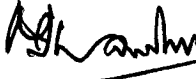
5. The applicants have not challenged this order. This order indicates that the second applicant is employed and she is getting a monthly salary of Rs.1126/-. She is an earning member of the family even at the time when Antony expired in 1988. According to GI, Department of Personnel and Training OM No. 14014/6/86-Estt(D) dated 30.6.1987, compassionate appointment will be given only when the Government is satisfied that the

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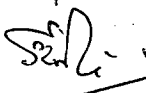
Government servant who died in harness leaving his family in immediate need of assistance when there is no other earning member in the family. Since the second applicant, the wife of the Government Employee, late Antony, is an earning member of the family even at the time of death of Antony in 1988 the family in this case cannot be considered to be in immediate need of any assistance by way of compassionate appointment. The Circle Relaxation Committee considered this aspect and rejected the claim. Under these facts and circumstances, we are of the view that the family is not in an indigent position so as to be eligible for a compassionate appointment for the first applicant as claimed in this application.

6. In the result, we see no merit in the application. It is liable to be rejected. Accordingly we do so.

7. The application is, therefore, dismissed. There will be no order as to costs.


(N Dharmadan)
Judicial Member

19.7.91.


(SP Mukerji)
Vice-Chairman

19.7.91