

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.592/2003

Friday, this the 18th day of July, 2003.

CORAM;

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

HON'BLE MR K.V.SACHIDANANDAN, JUDICIAL MEMBER

K.S.Sreekumar,
Karukayil House,
Thannithodu.P.O.
Working as Gramin Dak Sevak Mail Deliverer,
Thannithodu.P.O.
Pathanamthitta. - Applicant

By Advocate Mr PC Sebastian

Vs

1. The Senior Superintendent of Post Offices,
Pathanamthitta Division,
Pathanamthitta.
2. The Assistant Superintendent of Post Offices,
Pathanamthitta Sub Division,
Pathanamthitta.
3. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
4. The Union of India
represented by Secretary,
Govt. of India,
Ministry of Communications,
Department of Posts,
New Delhi. - Respondents

By Advocate Mr S.K.Balachandran, ACGSC

The application having been heard on 18.7.2003, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The applicant, Shri K.S.Sreekumar, son of Shri
K.V.Sathyadevan, EDDA, Thannithodu who is on long leave on

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medical grounds, has filed this application seeking compassionate appointment as his father has been permanently incapacitated since 1999. The applicant is working as a substitute for his father. By representation (A-3) dated 15.6.2000, the applicant's father requested the 1st respondent to appoint his son (the applicant) in his place by discharging him on medical grounds. Shri Sathyadevan, the applicant's father is to be discharged from service on 21.7.03 afternoon on account of his completing 65 years as on that date. As per clause(4) of A-1 order the applicant will lose the benefit of continued engagement with effect from the date of discharge of his father from service. Accordingly, he seeks the following reliefs:

- i) to call for the files leading to the issue of A-1 and quash the direction No.4 therein;
- ii) to declare that applicant being the son and dependent of K.V.Sathyadevan GDSMD, Thannithodu, who has been permanently incapacitated to do his job since the year 1999, is entitled to be considered for compassionate appointments by the respondents;
- iii) to issue appropriate orders/directions to the respondents to consider applicant's claim for compassionate appointment in the facts and circumstances of the case.

2. When the case came up for hearing, Shri S.K.Balachandran, ACGSC took notice on behalf of the respondents.

3. Learned counsel for the applicant submitted that as per A-2 medical certificate, the applicant's father Shri K.V.Sathyadevan, EDDA was declared permanently incapacitated for the job of EDDA. By A-3 representation dated 15.6.2000, Shri K.V.Sathyadevan had made a request to the first respondent highlighting his serious health problems and requesting the authorities to provide his son Shri Sreekumar compassionate appointment by allowing him(Shri Sathyadevan) to retire on medical grounds. No action was apparently taken on the said representation. By A-5 representation dated 1.7.2003 the applicant requested the 3rd respondent to grant him compassionate appointment in the place of his father who would be retiring from service on attaining 65 years of age. Learned counsel for the applicant has argued that had the respondents taken appropriate action on the basis of the earlier representation dated 15.6.2000(A-3), the applicant's father would have been able to retire on medical grounds and the applicant's case for compassionate appointment could have been acted upon. He would therefore plead that the respondents be directed to consider the applicant's latest representation and give compassionate appointment.

3. Shri S.K.Balachandran, learned ACGSC appearing for respondents has stated that the applicant's father was never medically invalidated. In any case, though a representation

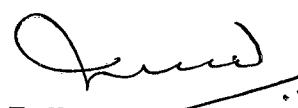
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was made in June 2000, the applicant and his father did not take any further action on the matter. Now that the applicant's father is about to be discharged on his attaining 65 years of age, there was no case for any compassionate appointment. The applicant on his own right and merit could seek a job in the department depending upon requirements, the learned counsel would urge.

4. On a consideration of relevant facts, we do not find any subsisting cause of action for the applicant to agitate. If the applicant's father was medically invalidated in 2000, probably the applicant could have advanced his claim for compassionate appointment and the respondents would have been obliged to consider the same on merits. However, apart from making a representation, the applicant's father did not pursue the matter on medical invalidation and consequent discharge on medical ground. Now the applicant's father is about to be discharged on his attaining 65 years of age, and it cannot be said that this situation warrants consideration of the defendant son(the applicant)'s case compassionate appointment. We therefore find no scope for interference in the matter. This O.A. *prima facie* has no merit and accordingly we proceed to reject the O.A. Accordingly the O.A. is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated, the 18th July, 2003.


K.V. SACHIDANANDAN
JUDICIAL MEMBER


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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