

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

D.A. No. 597/90

D.A. No. 109

DATE OF DECISION 12.7.91

K.G. Vijayalakshmi _____ Applicant (s)

M/s N. Sukumaran, _____ Advocate for the Applicant (s)
T.P. Muraleedharan & NK Karnis
Versus

Union of India and 2 others _____ Respondent (s)

Mr. C. Kochunni Nair _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan Administrative Member

The Hon'ble Mr. N Dharmadan Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *to*
3. Whether their Lordships wish to see the fair copy of the Judgement? *to*
4. To be circulated to all Benches of the Tribunal? *to*

JUDGEMENT

SHRI N DHARMADAN, JUDICIAL MEMBER

The applicant's claim for compassionate appointment has not been disposed of by the respondents. Hence, ~~she~~ filed this application under section 19 of the Administrative Tribunals' Act, 1985 with the following prayer.

"To direct the respondents to pass orders granting the request for compassionate appointment requested in Annexure X".

2. The applicant is the only child of her mother, D.Kamalamma, *Typist* who expired on 19.4.1970 while holding the post of L.D. Clerk under the second respondent. The applicant was 4 years old at that time. She was looked after by her father, who was working under the State Government. He remarried in 1971 and retired from the service

as Work Superintendent in 1984. After attaining majority and also passing the B.Com. Degree Examination she filed Annexure IX application dated 15.5.86 before the second respondent for compassionate appointment. Her further representation Annexure-X, XII and XIII were not considered by the respondents. Hence, she ~~xxx~~ filed this application.

3. The applicant has also filed an application MP 564/90 for condonation of delay of 4 years in filing this application.

5. The respondents in the reply statement submitted that the Annexure IX representation was considered in the light of the provisions of Annexure R-1 memorandum (G.I., Deptt. of Personnel and A.R., OM. No. 14034/1/77-Estt.(D), dated the 25th November, 1978) and informed the applicant by a letter dated 9.7.1986 that her request for appointment on compassionate ground cannot be considered at this distance of time as it appears *prima facie* that her family has been able to manage somehow during all these years after the death of her mother and there are sufficient means and hence this application is liable to be dismissed.

5. We have heard the arguments and perused the records. Annexure R-1 OM provides immediate

assistance to the son/daughter/near relatives of a deceased Government servant who dies in harness leaving his family in a distress or pathetic condition without there being any other earning member in the family to look after the family. In the instant case, when the applicant's mother died in 1970 her father was an earning member and she was looked after by him and the step mother till she attained majority. Sufficient education was also given to her by the father who was a State Government employee at the relevant time. He has also two other children in his re-marriage. After the retirement of her father in 1984, the family may require financial or other assistance. But, this is not a ground for getting compassionate appointment for the applicant. The very purpose of the compassionate appointment as provided in Annexure R-1 O.M. is to give immediate financial assistance to the family of the Government servant, who dies in harness and not at any assistance to be given at a later stage due to change of circumstances or financial strain arising due to other factors. We are of the view that the requirements for granting any relief under the aforesaid OM have not been satisfied in this case.

6. Further it is seen from the reply statement that Annexure IX representation has been considered

by the respondents and the applicant was informed by a letter No. B-1407/86 dated 9.7.1986 that her request for compassionate appointment would not come within the purview of R-1 memorandum.

This order has not been challenged. She has not even mentioned in the application about such an order. No rejoinder has been filed in this case. Under these circumstances there is a long and unexplained delay of about four years.

7. In the result we see ^{no} merit in this application. It is liable to be rejected.

Accordingly we dismiss the same. The MP for condonation of delay is also dismissed. There will be no order as to costs.

Dharmadan
12.7.91

(N Dharmadan)
Judicial Member

Krishnan
12.7.91

(NV Krishnan)
Administrative Member