

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 605 of 2000

Tuesday, this the 6th day of June, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. Vini S. Olickal,
Twin Vihar, Aala Ramapuram,
Kollakadavu, Chengannur,
Alappuzha. ..Applicant

By Advocate Mr. Thottathil B. Radhakrishnan

Versus

1. The Director,
Indian Council of Agricultural Research,
Krishi Bhavan, New Delhi-1

2. The Director,
Central Institute of Fisheries Technology,
Malsyapuri PO, Cochin-29

3. Union of India rep. by Secretary,
Ministry of Agriculture, New Delhi. ..Respondents

The application having been heard on 6th June, 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to direct the 2nd respondent to appoint him under the compassionate appointment scheme and to direct the 2nd respondent to consider the representation filed by him evidenced through A5 and pass appropriate orders.

2. The applicant says that he is the son of late O.M. Samuel who died in harness on 4-4-1986 while working under the 2nd respondent. The applicant survives on the meagre salary of the applicant's mother as a teacher. His mother made various representations for employment under the compassionate



appointment scheme. A2 dated 19-12-1994 is one of those representations. The applicant has not been favoured with an appointment.

3. It is the admitted case of the applicant that his father died on the 4th of April, 1986. The applicant now, after a lapse of 14 years, seeks an appointment on compassionate ground on the death of his father.

4. It is the admitted case of the applicant that his mother is a teacher. It is also submitted by the learned counsel appearing for the applicant across the Bar that at the time of the death of applicant's father, the applicant's mother was working as a teacher.

5. In Haryana State Electricity Board and Another Vs. Hakim Singh [JT 1997 (8) SC 332], it has been held that:

".. If the family members of the deceased employee can manage for fourteen years after his death, one of his legal heirs cannot put forward a claim as though it is a line of succession by virtue of a right of inheritance. The object of the provisions should not be forgotten that it is to give succour to the family to tide over the sudden financial crisis befallen the dependents on account of the untimely demise of its sole earning member."

6. Here also it is a case where the applicant seeks employment on compassionate ground after a lapse of fourteen years. Here, admittedly, is not a case of the untimely demise of the sole earning member of the family. Wife of the



deceased employee, who is the mother of the applicant, was working as a teacher at the time of the demise of the applicant's father as submitted by the learned counsel for the applicant. So, it is clear that mother of the applicant, the wife of the deceased employee, is also an earning member.

7. In the above said ruling, two earlier rulings of the Apex Court have been quoted and those are:

(i) Umesh Kumar Nagpal Vs. State of Haryana & Others [JT 1994 (3) SC 525]; and

(ii) Jagdish Prasad Vs. State of Bihar & Another [JT 1995 (9) SC 131]

In the former, a Bench of two Judges has pointed out that:

"the whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for the post held by the deceased".

In the latter decision, which also was rendered by a Bench of two Judges, it was observed that:

"the very object of appointment of a dependent of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. The learned Judges pointed out that if



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the claim of the dependent which was preferred long after the death of the deceased employee is to be countenanced it would amount to another mode of recruitment of the dependent of the deceased government servant which cannot be encouraged, dehors the recruitment rules."

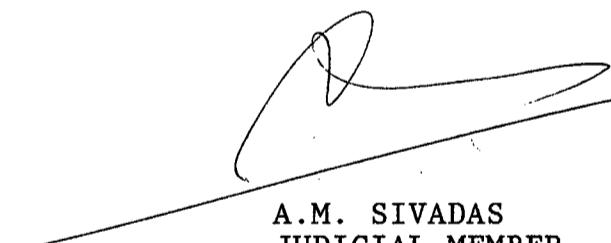
8. There is no vested right to get an appointment on compassionate grounds.

9. In the light of the dictum laid down in the aforesaid rulings, this OA is only to be dismissed.

10. Accordingly, I do not find any ground, much less any good ground, to allow the Original Application.

11. The Original Application is dismissed. No costs.

Tuesday, this the 6th day of June, 2000



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to in this Order:

1. A2 - True copy of the representation dated 19-12-1994 submitted by the applicant.
2. A5 - True copy of the letter dated 29-12-1998 sent by Minister of State for Agriculture, Government of India.