

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 605/90
~~XXXXXX~~

1990

DATE OF DECISION 26-7-1990

P.J.Sasidharan Applicant (s)

Mr Thomas Chazhukkaran Advocate for the Applicant (s)

Versus

Officer-in-charge, Respondent (s)
Base Repair Organisation, Naval Base, Cochin & 2 others

Mr NN Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, 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 AV Haridasan, Judicial Member)

In this application, the applicant a son of a deceased Central Government employee who died in harness on 23.12.1986 has challenged the order of the third respondent dated 1.1.1990 turning down his representation claiming compassionate appointment. The applicant's father was survived by his widow, three sons and a daughter, all married. The applicant also was married and was having a separate family life on the date of the demise of his father. When his request for compassionate appointment was turned down and when a representation made to the third respondent remain^{ed} unresponded to, he had earlier filed O.A.K-384/88 before this Tribunal, which was disposed of on 19.9.1989

directing the third respondent to dispose of the representation which was pending. It was in obedience to this direction that the third respondent has given the impugned letter rejecting the representation of the applicant stating that in the circumstances explained therein, it was not possible to accede to the request of the applicant for granting compassionate appointment to him. In this letter it has been stated that the applicant's brothers are employed and well settled in life, his sister is married and settled, that he himself is ^{an} earning member and a married person; ~~and~~ that his mother had received on the death of his father Rs.56,892.00 by way of death-cum-retirement benefits and is receiving a family pension of Rs.615.00 per month and that for these reasons, it has to be concluded that the family is ⁱⁿ not ~~in~~ independent circumstances. For the above said reasons, the third respondent has stated that the request of the applicant for compassionate appointment ^{not} could ~~be~~ acceded to. It is this decision of the third respondent that is sought to be challenged before us in this application filed under Section 19 of the Administrative Tribunals Act.

2. Compassionate appointment is envisaged to ^{enable} the families of the Government employees who die in harness ^{and thus} left destitute to survive. A family in the ordinary sense of the term connote husband, wife and dependent children. The applicant in this case on the death of his father was an adult man having his own unit of family, namely wife and

children. So it is not possible to accept the case of the applicant that on the death of his father, he became destitute. If he was dependent on his father for his own livelihood, generally, one does not expect him to add to the burden of and begetting children his father by marrying/ ^{an} So on/overall assessment of the facts and circumstances, we do not find that there is any merit at all in the claim of the applicant and that there is any infirmity in the impugned order. For these reasons, we do not find that it is necessary to admit the application. The application is therefore rejected at the threshold without being admitted.


(AV HARIDASAN)
JUDICIAL MEMBER


(SP MUKERJI)
VICE CHAIRMAN

26-7-1990

trs

