

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 62 of 2010

Wednesday, this the 5th day of January, 2011

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

S. Prasobha, D/o. Late Sreedevi Pillai (Ex.GDSBPM Pudukkadkara),
Aged 28 years, Prasanth Bhavan, Pudukkadkara P.O.,
Kollam.

Applicant

(By Advocate – Mr. P.C. Sebastian)

V e r s u s

1. The Union of India, represented by its Secretary,
Ministry of Communications, Department of Posts, New Delhi.
2. The Chief Postmaster General, Kerala Circle,
Thiruvananthapuram-695 033.
3. The Sr. Supdt. of Post Offices, Kollam Division, Kollam-691001.
4. The Inspector Posts, Karunagappally Sub Division,
Karunagappally-690518.

Respondents

(By Advocate – Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 05.01.2011, the Tribunal on the same day delivered the following:

O R D E R

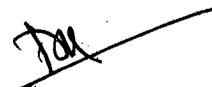
By Hon'ble Mr. Justice P.R. Raman, Judicial Member -

The applicant is stated to be the only daughter of late Smt. Sreedevi Pillai who died in harness while working as GDS, Branch Postmaster, Pudukkadkara on 30.4.2009. Admittedly, the applicant is married at the time of death of her mother. It is also stated that the applicant's father is a



pensioner receiving Rs. 4,000/- It is the contention of the applicant that being a dependent of the deceased employee she is entitled to be offered suitable job in the respondents' establishment. It is also stated that applicant's claim for compassionate appointment is rejected by Annexure A-4 letter. According to the applicant the applicant's claim was not considered by the circle relaxation committee. It is further stated that the applicant was provisionally appointed to the post of GDS, Pudukkadukara by the Inspector of Posts, Karunagappally for a period of 89 days and on expiry of the same she was dis-engaged. The applicant does not lay her claim based on any rule on the subject. Though, the applicant seeks for quashing Exhibit A-4 she further seeks for a direction to the respondents to re-consider her claim for compassionate appointment.

2. The respondents have filed a reply affidavit wherein it is admitted that Smt. Sreedevi Pillai, the mother of the applicant died on 30.4.2009 while working as GDS, BPM, Pudukkadukara, after rendering 24 years of service in the Department. The family of the deceased consist of her husband a retired Central Government pensioner and one unmarried son employed in KSEB. Smt. Prasobha (the applicant) is the younger daughter, who had got married and was living separately in her husband's house. She applied for compassionate appointment in relaxation of normal recruitment rules. It is submitted that the circle relaxation committee did not examine the request of the applicant seeking employment on compassionate grounds, on the ground that she was not dependent on the late official. Since she is a married daughter not living with the family of the deceased official, she is



not dependent on the late official and hence is not eligible to be appointed on compassionate grounds as per the existing rules on the subject. In paragraph 5 it has been pointed out that as per the existing rules dependent family members means; (a) spouse, (b) son (including adopted son) or (c) daughter (including adopted daughter) or (d) brother or sister in the case of unmarried government servant, who was wholly dependent on the Government servant at the time of his/her death in harness or retirement on medical grounds as the case may be.

3. We have heard the counsel appearing for the applicant Mr. P.C. Sebastian and learned counsel appearing for the respondents Mr. Sunil Jacob Jose, SCGSC. Admittedly the applicant is married daughter of the deceased who lives separately from the family of the deceased. She is now residing with her husband. No doubt the rule as quoted in paragraph 5 of the reply statement does not expressly exclude the married daughter for the purpose of compassionate appointment, but it is pointed out that she is not living with the family of the deceased and therefore her case was not considered by the circle relaxation committee. Compassionate appointment itself is made as a relief to the family depended on the deceased for livelihood. But when it is pointed out that the married daughter is not living with the family and on that ground she has not been considered for compassionate appointment, we cannot give any direction to the respondents since their action cannot be faulted.

A handwritten signature in black ink, appearing to read "J.M.", is written over a diagonal line.

4. In view of the above we decline to give any relief as stated. OA is dismissed. No order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

“SA”