

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 612 of 2000

Wednesday, this the 7th day of June, 2000

CORAM

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

1. Jophy Philip,
Plathottam House,
Manimala PO,
Kottayam District.Applicant

By Advocate Mr. A.K. Avirah

Versus

1. The Chief Commissioner of Income Tax,
Cochin.

2. Union of India, represented by Secretary,
Human Resources Development Department,
New Delhi.Respondents

By Advocate Ms. P. Vani, ACGSC

The application having been heard on 7th 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 declare that he is entitled to be appointed in the Income Tax Department or any other Department under the 2nd respondent against an appropriate post under dying in harness scheme, to quash A1 and to direct the respondents to appoint the applicant in service on compassionate grounds.

2. The applicant says that he is the son of late PA Philip who was employed under the respondents. The said Philip expired on 21-8-1987. After attaining majority the applicant submitted an application for compassionate appointment under dying in harness scheme before the 1st



respondent. The respondents have rejected the representation of the applicant stating that his case is not a fit one for considering for appointment on compassionate ground.

3. It is the admitted case of the applicant that his father, PA Philip, while working under the respondents died on 21-8-1987. The applicant now seeks an appointment on compassionate ground on account of his father's death which took place about thirteen years ago. 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."

4. Here, it is a case where the applicant seeks an employment on compassionate ground, though not after fourteen years, after about a lapse of thirteen years.

5. In the above said ruling, two earlier rulings of the Apex Court have been quoted and those rulings 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, it has been 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, it has been 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 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."

6. 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 7th day of June, 2000



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to in this Order:

1. A1 - True copy of the Order No. 19/Estt/11/cc/95 dated 25-2-2000.