

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 613 of 2008

wednesday, this the 23rd day of September, 2009

CORAM:

Hon'ble Dr. K.B.S. Rajan, Judicial Member

R.S. Renjith, S/o. Late G. Radhakrishnan Nair,
 Abhiramam, Peringammala, Kalliyoor P.O.,
 Thiruvananthapuram - 695 042.

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Applicant

(By Advocate – Mr. C.B. Sreekumar - Not present)

V e r s u s

1. Union of India, Rep. by its Secretary,
Ministry of Communications, New Delhi.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
3. The Asst. director (Rectt.), Office of the Chief
Post Master General, Kerala Circle,
Thiruvananthapuram.
4. The Senior Superintendent of Post Offices,
Thiruvananthapuram North Division.
5. The Superintendent of Post Offices,
Thiruvananthapuram South Division.

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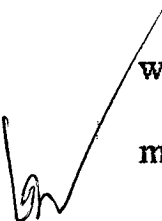
Respondents

(By Advocate – Mr. T.P.M. Ibrahim Khan, SCGSC)

This application having been heard on 17.9.2009, the Tribunal on
23-09-09 delivered the following:

ORDER


The applicant's father Shri G. Radhakrishnan Nair, an Ex-Serviceman
 was employed as a Postal Assistant in Pettah Post Office. Unfortunately he
 met with an accident on his way to his residence after office hours and died



on the spot on 24.5.2005. He had in all a family of five dependents one of whom was unmarried daughter. The terminal benefits paid to the family in the wake of the demise of Shri G. Radhakrishnan Nair includes monthly family pension (excluding relief) of Rs. 3,225/- and total terminal benefits of Rs. 1,25,934/-. The applicant's mother is employed as a Teacher and the earning annual income from other sources constituted to Rs. 78,180/-. According to the applicant there is a total financial liability of over 10 Lacs in which proceedings have been taken by the respective institutions.

2. The applicant had preferred an application for compassionate appointment vide Annexure A-3. All the details have been furnished. After necessary inquiry was conducted the authorities had referred the matter to the Circle Relaxation Committee (for short CRC) which met on 23.7.2007. However, the case of the applicant was not recommended by the CRC. The applicant on his part approached various authorities but of no avail. Hence, he has filed this application challenging order dated 15.1.2008 wherein the decision of the CRC was communicated to the applicant.

3. Respondents have contested the OA. They have justified the decision stating that as per the CRC, the family was not found to be in indigent circumstances. That the mother of the applicant was employed in the State Government, children were grown up, family owns 5 cents of land, own house, receipt of family pension and Army pension and terminal benefits of Rs. 1.25 Lacs (approx.) all had been taken into consideration while arriving at the above decision.



4. With a view to ascertain the manner in which CRC had dealt with the case and other cases where employment has been recommended, the minutes of the CRC met was called for. Photo copy of the same had been produced for perusal by the Court. It is seen from that the CRC took into account the following aspects:-

- "1) No. of dependents.
- 2) No. of unmarried daughters.
- 3) No. of minor children.
- 4) Annual income from other sources.
- 5) Whether family owns a house or not.
- 6) Details of landed property.
- 7) Details of the liability of the family."

The statements annexed to the minutes of the meeting reflected the following particulars:-

- | | | |
|----------------------------------------------|---|------------------|
| 1) Monthly family pension (excluding relief) | - | Rs. 3,225/- |
| 2) Total amount of terminal benefits | - | Rs. 1,25,934/- |
| 3) No. of dependents | - | 5 |
| 4) No. of unmarried daughters | - | 1 |
| 5) No. of minor children | - | Nil |
| 6) No. of earning members in the family | - | 1 (wife) Teacher |
| 7) Annual income from other sources | - | Rs. 78,180/- |

5. A perusal of the minutes of the meeting goes to show that as a matter of practice or so, where there is one or more earning members, the CRC has not recommended any compassionate appointment. To that extent uniformity has been maintained by the CRC. At the same time it is seen that the CRC recommended for reference to the next CRC certain cases. A perusal of the same goes to show that the case of one Shri Thomas Joseph has been so recommended where the particulars are as under:-

- | | | |
|-------------------------|---|---------------|
| a) Monthly pension | - | Rs. 6,331/- |
| b) Terminal benefits | - | Rs. 5.41 Lacs |
| c) Number of dependents | - | 4 |

d)	Number of unmarried daughters	-	Nil
e)	Annual income from other sources	-	Rs. 12,000/-
f)	Landed property	-	60 cents
g)	Details of liability	-	Nil

The father of Shri Joseph expired as early as on 30.11.2000. This case when compared to the case of the applicant does not appear to be more deserving to be considered for another time than that of the applicant. As a matter of fact there has been no vacancy for the post of Postman/Group-D when the CRC considered the cases of various applicants. If the case of Mr. Thomas Joseph could be found deserving to be considered for next occasion, I do not find any justifiable reason as to why the case of the applicant should not be also referred to the next meeting. For, the financial condition of the applicant when compared to that of Shri Thomas Joseph, he is certainly more indigent in view of the fact that after catering for the liability, there may not be any savings to the family; the extent of land possessed by the applicant's family is just 5 cents compared to 60 cents of Shri Thomas Joseph and the number of family members is also more in the case of the applicant and there is one unmarried daughter to the deceased.

6. It is pertinent to mention here that though in an earlier order of this Tribunal the Department advised the respondents to produce the rule which states that where there is an earning member, the case may not be considered. The rule interalia also provides as under:-

"10. Where there is an earning member

(a) In deserving cases even where there is already an earning

member in the family, a dependent family member may be considered for compassionate appointment with prior approval of the Secretary of the Department/Ministry concerned who, before approving such appointment, will satisfy himself that grant of compassionate appointment is justified having regard to number of dependants, assets and liabilities left by the Government servant, income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the Government servant and whether he should not be a source of support to other members of the family."

[(Page 431 of Swamy's Complete Manual on Establishment and Administration for Central Government Offices (Ninth Edition - 2003)]

7. In view of the above, this Tribunal is of the considered view that the case deserves to be considered once again by the CRC and on the basis of such comparison with other cases like Joseph on the next occasion if it is found that the financial condition of the family deserves compassionate appointment, the applicant may be considered for the same. OA stands disposed of accordingly. No order as to costs.


(K.B.S. RAJAN)
JUDICIAL MEMBER

"SA"