

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.616/2004.

Wednesday this the 18th day of August 2004.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN  
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

Roby C.O., Chennampillil,  
Piravom Village,  
Muvattupuzha Taluk,  
Ernakulam District.

Applicant

(By Advocate Shri A.X.Varghese)

Vs.

1. Union of India represented by the  
Secretary,  
Ministry of Defence, New Delhi.
2. The Chief of Naval Staff (For DCP),  
Naval Headquarters, New Delhi.
3. The Flag Officer Commanding-in-Chief,  
Headquarters, Southern Naval Command,  
Cochin-682 004. Respondents

(By Advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 18.8.2004, the Tribunal on the same day delivered the following:


O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN


The applicant is one of the sons of late C.M.Ouseph who, while working under the 3rd respondent retired on medical invalidation with effect from 18.9.97. The applicant's mother submitted a representation on 29.6.99 to the 3rd respondent for employment assistance to the family by appointing the applicant, one of her sons, alleging that she found it difficult to meet both ends. As there was no response to her representation she again submitted another representation on 12.5.2000. Finding no response to this also one more representation A-3 was made. Ultimately the applicant's mother was informed by A-4 impugned order dated 18.2.2002 that the case of the applicant for

compassionate appointment having been considered by the Board of officers and placed at Sl.No.25 on merit, he could not be appointed because, against three vacancies available more deserving cases had to be considered. Although the applicant's mother submitted another representation to the 3rd respondent, by Annexure A-7 reply dated 4.12.2003, she was informed that, on consideration of the entire aspects, what was contained in A-4 was still relevant. The applicant, therefore, filed this application seeking to set aside A-4, for a direction to the respondents to appoint the applicant in the respondents establishment in any suitable post considering his qualification on compassionate grounds. It is alleged in the application that there are seven family members and annual income is being only Rs.7500/- apart from the family pension, the family is still in extreme indigent circumstance.

2. We have with great care gone through the entire materials made available and have heard Shri A.X.Varghes, learned counsel of the applicant and Shri C.Rajendran, SCGSC for the respondents. On a consideration of the materials on record and the submission made by the learned counsel, we are not in a position to entertain the application because we do not find any subsisting or legitimate grievance which is required to be deliberated by the Tribunal and adjudicated. The scheme for employment assistance on compassionate grounds evolved with the laudable motive of enabling the families of Government servant dying unexpectedly in harness to survive the indigence, was not intended to give employment to a son or near relative of every government servant dying in harness. The same principle applies for employment assistance in the case of invalidation also. In



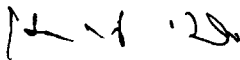
this case, the invalidation of the applicant's father happened in the year 1997. If the family had been thrown into extreme indigence on invalidation of applicant's father, immediately the competent authority would have been moved for urgent relief by the family. This was not done. It was only two years later the applicant's mother made a representation. Even though the applicant's mother did not get response immediately to her belated representation, nothing further was done. After the death of the applicant's father, again a representation was made. This has been ultimately replied by the impugned order A-4 rejecting the case of the applicant that his case had been considered by the Board of Officers and the applicant has been placed at Serial No.25. Since more deserving cases were pending for compassionate appointment, he could not be given appointment against the three vacancies available in the quote for appointment on compassionate grounds. The said order was not immediately challenged by the applicant's mother or by the applicant, but the applicant's mother made a further representation to the same authority. In Annexure A-7 reply, <sup>36</sup> had been stated that the applicant's brother was a Government employee and the family did not project any acute indigent situation. Now the applicant has filed this application. The applicant himself is stated to be 38 years old, married and having two children. It is not disputed that the applicant's brother is a Government servant. It is also an admitted fact that the family is possessed 10 cents of land and the applicant's mother is in receipt of family pension. The only minor member of the family as averred by the applicant in the O.A., is



applicant's sister. The family pension and ten cents of land is available for the mother and daughter. This facts situation does not project an extreme indigent condition. Therefore, we do not find any reason for interference.

3. In the light of what is stated above, finding nothing in this application which calls for its admission. The application is rejected under Section 19(3) of the Administrative Tribunal's Act, 1985.

Dated the 18th August 2004



H.P.DAS  
ADMINISTRATIVE MEMBER



A.V.HARIDASAN  
VICE CHAIRMAN

rv