

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 617/06

Wednesday, this the 14th day of November, 2007.

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HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

S.Jayadevan,
S/o G Sukumaran Nair,
Jayavilasam, Pandiyan Para,
Palode, Pacha Post,
Trivandrum.

....Applicant

(By Advocate Mr PV Mohanian)

V.

1 The Secretary,
Indian Council of Agricultural Research,
Dr. Rajendra Prasad Road,
Krishi Bhavan,
New Delhi.

2. The Director,
NRC for Oil Plam,
Pedavegi-534 450,
West Godavari District.

....Respondents

(By Advocate Mr.P Santhoshkumar)

This application having been finally heard on 24.10.2007, the Tribunal on 14.11.2007 delivered the following:

ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant's grievance is against the A-4 letter dated 5.7.2006 issued by the 2nd respondent informing him that the Committee constituted for considering his request for compassionate appointment had not recommended his case and the said recommendation has been approved

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by the Director. According to the respondents, there were no vacancy available in the office of National Research Centre (NRC for short) earmarked for compassionate appointment.

2. The brief facts of the case as stated by the applicant are that the applicant's mother Smt Indira Amma, while working under the respondents as Supporting Staff Grade-III, died on 10.5.2002. After her death, the applicant being the elder son, applied for employment assistance on compassionate ground. He has passed P.D.C., ITC and National Trade Certificate in Refrigeration and Air Conditioning Mechanic. However, respondents did not take any action in the matter. He sent reminders and finally he received A-2 letter dated 23.11.2005 directing him to submit application in the prescribed proforma regarding employment of dependents of Government servants dying while in service and he did accordingly on 7.12.2005 (A-3). Respondents vide Annexure R-2(b) letter dated 3.5.2006 also sought certain additional information regarding his marital status, details of assets, his annual income and as to how he and his family members managed those years after the demise of her mother, without any income. He furnished those information also on 16.5.2006. Thereafter, a Committee consisting of four members considered the case of the applicant in its meeting held on 26.5.2006 but it did not recommend his case for the following reasons:

"The objective of the scheme to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness thereby leaving his family in penury and without any means of livelihood to relive the family of the Government servant concerned from

financial destitution to help it get over the emergency.

Further compassionate appointment is only given in situation when the family is indigent and deserves immediate assistance from financial destitution. The application was submitted by him only during 2005, whereas his mother died during 2002. The request is belated.

In the present case at the time of death of his mother, he was not wholly dependent on her, as his father was also employed and was a family pensioner.

On her demise the family was not in penury without any means of livelihood. There was no financial destitution. They have been managing these few years also.

Shri Jayadevan is married and has his family. If the job is given to him his interest for taking care of his family only will be served which is against the objective of the scheme to relieve the family of the deceased from financial destitution.

Once the son had his family, the family of the deceased shall only include his spouse namely Shri G.Sukumaran Nair, her husband. He had an earning to make good for his living.

It is also worth mentioning about gift of 22 cents by him to his son from which its is crystal clear that there is no financial destitution.

As per the ruling contained in the Supreme Court judgment dt.04.05.94 the following important principles are laid.

Offering compassionate appointment as a matter of course irrespective of the financial condition of the family of the deceased or medical retired Government servant is legally impermissible.

Compassionate appointment cannot be granted after lapse of a reasonable period and it is not a vested right, which can be exercised at any time in future."

The competent authority, after considering the aforesaid report, rejected his case vide A-2 dated 5.7.2006.

3. In the reply, the respondents have stated that while considering the applicant's request for compassionate ground appointment, they have taken note of the terminal benefits received by the family of the deceased which included Rs.3,464/- as family pension, Rs.1,30,683/- as DCRG, Rs.62,860/- as gratuity from the Labour Court for Casual Labour Service, Rs.53,300/- towards leave encashment and Rs.15,000/- towards GSLIS. Further, they have stated that the application submitted by him on 17.1.2003 was incomplete and only in November 2005 he applied in the prescribed proforma. The committee after assessing his assets/liabilities and other relevant details did not recommend his case as a really genuine and deserving one. They have also submitted that for want of 5% vacancies under the direct recruitment quota earmarked for appointment on compassionate grounds, even applications of dependents of government servant, died earlier are pending.

4. I have heard the learned counsel on both sides and perused the relevant file produced by the respondents. It is observed that the applicant's mother passed away, way back on 10.5.2002. Admittedly, he applied for compassionate ground appointment only on 17.1.2003 i.e. after a lapse of 7 months after the date of death of his mother. Though the applicant made occasional reminders, the respondents did not process his case in time. They called for some further necessary information from the

applicant only on 3.5.2006 and he furnished them on 26.5.2006. However, the Committee which considered the cases of compassionate ground appointments, rejected the applicant's request on the ground that vacancies were not available. While the delay in taking a decision in the matter on the part of the respondents cannot be condoned, I am of the considered opinion that the applicant also did not show enough urgency to secure a job. He could have approached this Tribunal in the year 2002 itself. On the other hand, he has filed the present O.A only in August, 2006. The very purpose of providing compassionate appointment is to help the family of the deceased government servant to get over immediate financial crisis caused by the untimely and sudden passing away of the sole bread winner of the family and to save them from acute financial hardship. Both the above ingredients necessary for appointment on compassionate ground are no more available. I therefore, consider that it is not necessary for this Tribunal to interfere in the matter at this belated stage particularly in view of the submissions of the respondents that there are no vacancies earmarked for appointment on compassionate grounds are available. This O.A is, therefore, dismissed. No costs.

Dated, the 14th November, 2007.


GEORGE PARACKEN
JUDICIAL MEMBER

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