

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 620 of 1996

Monday, this the 4th day of August, 1997

CORAM

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

1. Ajai. S.
S/o V. Sathyadas,
33/2213, Vayalil,
Alinchuvadu, Vennala PO,
Kochi-28 .. Applicant

By Advocate Mr. K. Ramakumar

Versus

1. Union of India represented
by Director General,
Telecom Department, New Delhi.
2. Chief General Manager,
Kerala Circle,
Department of Telecom,
Thiruvananthapuram.
3. District Manager, Telephones,
Ernakulam. .. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC

The application having been heard on 4.8.1997,
the Tribunal on the same day delivered the
following:

O R D E R

The applicant seeks for a direction to the
respondents to appoint him on compassionate grounds as
Group D employee in the Telecommunication Department
and also for a declaration that denial of appointment
to him is violative of Articles 14, 16 and 21 of the
Constitution.

2. The applicant is one of the sons of Sri V Sathyadas,
who died while in service as Telephone Operator in the

contd...2.

year 1970. When the applicant attained the age of 19 years his mother submitted an application to the 3rd respondent seeking appointment to him as a Group D employee. It was in the year 1986. The same was rejected in the year 1987.

3. Respondents say that V.Sathyadas was working under the respondents, that his widow is employed under the respondents, that his eldest son was appointed as Telecom Office Assistant but he resigned the job, that his eldest son is now working as Assistant Administrative Officer in General Insurance Company, and that the applicant is not entitled to appointment on compassionate grounds.


4. A-5 representation dated 18th of February, 1994 made by the mother of the applicant to the Secretary, Ministry of Telecommunications, Government of India says that:

"I am happy to look back and see that fortunately for me, all my children, except the last son S. Ajai, had completed their education and had secured employment...".

5. In Umesh Kumar Nagpal Vs. State of Haryana & Ors, (1994) 4 SCC 138, it has been held that:

"6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over".

contd...3.

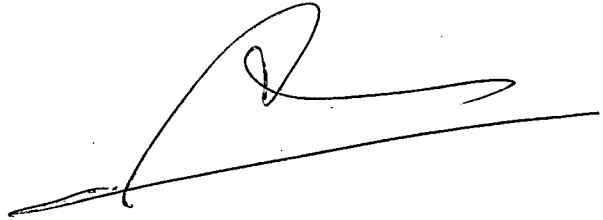


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6. In the light of the dictum laid down by the Apex Court in the above ruling, this OA is only to be dismissed.

7. Accordingly, the original application is dismissed. No costs.

Dated the 4th of August, 1997

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line.

A.M. SIVADAS
JUDICIAL MEMBER

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