

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 70/91
T. A. No.

199

DATE OF DECISION 16.9.91

V.K. Suresh Babu _____ Applicant (s)

Mr. MR Rajendran Nair _____ Advocate for the Applicant (s)

Versus

Secretary, Central Board of _____ Respondent (s)
Direct Taxes, New Delhi &
3 others.

Mr. V. V. Sidharthan, ACGSC for _____ Advocate for the Respondent (s)
R.1-3.

CORAM: Mr. Sebastian Paul for R.4.

The Hon'ble Mr. NV Krishnan _____ Administrative Member

The Hon'ble Mr. N Dharmadan _____ Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

SHRI N DHARMADAN, JUDICIAL MEMBER

This is an application filed for the grant of compassionate appointment to the applicant on the ground that the applicant's father died on 20th August, 1969 at the age of 27 while he was in service under circumstances which make him eligible for the same.

2. According to the applicant, the applicant was only 2 years old at the time of the death of his father. The mother being an illiterate lady could not seek for an appointment at that time. On attaining majority the applicant.

and his mother sent representations for getting compassionate appointment for there was no earning member in the family after the death of the father.

In answer to his representation dated 22.6.87, ^{Letter to the Finance Minister} ~~by~~

^{Communication by}
Annexure-IV was sent by the ~~1st~~ respondent with the following statements:

"I am directed to refer to your letter C.No. 280/Estt./87-88, dated the 29th September, 1987, on the above subject and to say further that appointment on compassionate grounds was given to Shri P.M. Narayanan on the understanding that he will look after the indigent family of his brother and it is his duty to do so. This may be brought to his notice and he should be asked to look after his brother's family in the manner he is looking after the members of his own family."

3. The first respondent passed a final order Annexure-I dated 19.1.90. Hence, the present application has been filed with the following reliefs.

- i) To direct the respondents 1 to 3 to appoint the applicant in a suitable post commensurate with his qualification, on compassionate grounds and in relaxation of rules and to quash Annexure-I.
- ii) To quash the appointment of the 4th respondent in case relief No.: 1 cannot be granted without setting aside the appointment of the 4th respondent and terminate his services.
- iii) Grant such other reliefs as may be prayed for and the Tribunal may deem fit to grant, and
- iv) Grant the cost of this Original application."

4. Respondents Nos. 1-3 and 4th respondent have filed separate reply affidavits in this case. The respondents 1-3 have stated in their reply statements that the applicant's father's brother has already

been given an appointment in the Income Tax Department on compassionate ground considering the consent given by the applicant's mother. Hence, a further appointment cannot be granted to the applicant. Very same reason has been stated in the impugned order Annexure-I also.

5. The 4th respondent in the reply affidavit has admitted the fact that his appointment in the Income Tax Department was on compassionate ground taking into account the circumstances of the death of his brother, the applicant's father. He has further stated in the reply that he was looking after the applicant and his mother ever since the death of his brother and his appointment in the Income Tax Department. All the contrary allegations in the application including the statement regarding collusion have been denied.

6. We have heard the arguments of the learned counsels appearing on behalf of the parties. The learned counsel for the 4th respondent has submitted before us that even now his client is looking after the affairs of the applicant and his mother and he is spending a portion of his salary for looking after them every month. However, we are not considering

the right of the applicant and his mother to get protection from the 4th respondent on account of his appointment. Nevertheless this is an admission made by him before us, though it is not relevant for the decision in this case.

7. The compassionate ^{appointment} is intended for giving benefits to the family of the deceased Government servant at the time of the death, if the family is in a pathetic condition requiring some financial benefit by making an appointment to one of the dependent of the Government servant. This has been satisfied in this case by giving an appointment to the brother of the applicant's father on the basis of the consent given by wife of the deceased Government employee, the mother of the applicant. So it is to be presumed that at the time when the father of the applicant died, his brother was given an appointment for the benefit of the family of the applicant. He also submitted before us that he is looking after the family of the deceased Government servant ever since he got the job.

8. Under these circumstances, we are of the view that the order Annexure-I cannot be set aside.

The applicant's claim for compassionate appointment
cannot be sustained on the facts and circumstances
of this case.

9. In the result, the application is dismissed.

There will be no order as to costs.


16.9.91

(N DHARMADAN)
JUDICIAL MEMBER


16.9.91

(NV KRISHNAN)
ADMINISTRATIVE MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

R.A. 61/91 in
O.A. No. 70/91
T.A. No.

199

DATE OF DECISION 12.11.91

V. K. Suresh Babu _____ Applicant (s)

Mr. M R Rajendran Nair _____ Advocate for the Applicant (s)

Versus

Union of India represented by
Central Board of Direct Taxes Respondent (s)
and three others

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

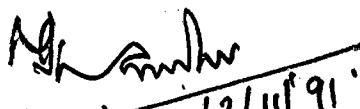
JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

This review application can be disposed of by circulation. The application for review has been filed by the applicant in the original application. It was filed against the order rejecting the request for grant of compassionate appointment. We had considered all the aspects at the time of final disposal and passing the judgment in this case on 16.9.91. ^{while by}

2. The only ground now urged is that while passing the final ^{judgment by} order we have not considered the pathetic condition of the family of the deceased. This is no ground for review

especially when we have accepted the statement of the fourth respondent, who got compassionate appointment in this ^{stated by} score that he is looking after the affairs of the applicant and the family after he got the job. There is no merit in this review application. It is only to be rejected. We do so.


(N. DHARMADAN)

JUDICIAL MEMBER

12/11/91


(N. V. KRISHNAN)

ADMINISTRATIVE MEMBER

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