

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 71/2003

Thursday, this the 30th day of January, 2003.

CORAM;

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. K.K.Karthiyayani,
W/o late KK Gangadharan,
Kandathipparambil House,
Nadakkav.P.O.
Udayamperoor.
2. K.G.Joshy,
S/o late Gangadharan,
Kandathipparambil House,
Nadakkav.P.O.
Udayamperoor. - Applicants

By Advocate Mr C.N.Sameer

Vs

1. The Flag Officer Commanding-in-Chief,
Headquarters,
Southern Naval Command,
Kochi-682 004.
2. Officer-in-Charge,
Transmitting Station,
Kalamassery.
3. The Union of India represented
by the Secretary,
Ministry of Defence,
Central Secretariat,
New Delhi. - Respondents

By Advocate Mr C.Rajendran, SCGSC

The application having been heard on 30.1.2003 the Tribunal on
the same day delivered the following:

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ORDER

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

The applicants, widow and son of late K.K.Gangadharan who died on 8.5.98 while working as a Cook under the 2nd respondent, preferred a claim for employment assistance on compassionate grounds. The claim has been rejected by A-9 order dated 3.1.2002 on the ground that the case of compassionate appointment to the 2nd applicant having been considered in the light of the rules, instructions and the provisions of the scheme and the 2nd applicant having been placed in Sl.No.74 in the list as against three vacancies one in Group'C' and one in Group'D' available for appointment on compassionate grounds and that the family is not found to be in indigent situation, it was not feasible to accede to the request. Aggrieved, the applicants have filed this application for a direction to the respondents to consider the review application A-10 made against A-9 order.

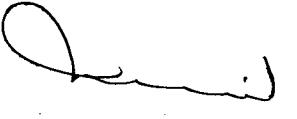
2. On a careful scrutiny of A-9 order and on consideration of the facts and circumstances disclosed from the application and the connected papers and on hearing the learned counsel on either side, we do not find any reason to admit this application. The case of the 2nd applicant for employment assistance on compassionate ground has been considered by the competent authority in the light of the scheme and other valid instructions and the respondents have given a speaking order to the applicants stating how the claim could not be acceded to. It is seen that the respondents have taken a realistic view of the matter and rightly came to the conclusion that the case of the end applicant did not deserve

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employment assistance on compassionate ground. The family is in receipt of family pension and have received certain amount by way of terminal benefits and is in possession of a little bit of landed property. Second applicant even on the date of death of his father was 24 years old having completed his education and able bodied. The elder son of the deceased having had separate family and died and the daughter having been married before the death of Gangadharan, the applicants should be able to get on with the family pension and on the effort of the second applicant who is an educated able bodied young man.

3. In the light of what is stated above, we do not find any reason for intervention and therefore, reject the O.A. under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, the 30th January, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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