

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.72/98

Friday this the 26th day of June, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

Suresh Babu T.
Thuppunichal House,
Po.Kuttiyattoor, Mayyil,
Kannur District.

....Applicant

(BY Advocate Mr. P.V.Surendranath (represented))

Vs.

1. General Manager, Department of
telecommunications, Telecom District,
Kannur.2.

2. Department of Telecommunications,
represented by Secretary,
Ministry of Telecommunications,
New Delhi.

...Respondents

(By advocate Mr. T.P.M.Ibrahim Khan, SCGSC)

The application having been heard on 26.6.98, the Tribunal
on the same day delivered the following:

OO R D E R

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

The applicant is one of the three
brothers of deceased Balan who died while in harness on
14.6.92. At the time of Shri Balan's death, the applicant
was 27 years old. His two elder brothers were already
employed in Government Service. Apart from the three
brothers the deceased Balan had left behind his mother.
Around three and a half years after the death of Shri
Balan, the applicant's mother made a request for
employment assistance on compassionate grounds to the
applicant on 10.10.95. The matter was processed and
ultimately the applicant was told by the impugned order
dated 25.6.97 (A1) that it has been decided not to give
the benefit of employment assistance on compassionate

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grounds as the rules in that regard are not applicable. Aggrieved by that the applicant has filed this application for a direction to the respondents to give applicant employment assistance on compassionate grounds setting aside the impugned order A.1.

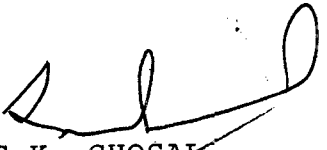
2. The respondents contest the case of the applicant and have filed a reply statement.

3. We have perused the pleadings and have heard the counsel on either side. Though in clear terms the impugned order has not stated the entire reasons for not acceding to the request of the applicant for employment assistance on compassionate grounds, taking into account the entire facts and circumstances of the case, we do not find that the decision taken by the respondents can be faulted. The applicant an able bodied youngster of 27 years at the time when his brother died would not in the normal course be treated as a dependent of the deceased. If despite good health a person continues to look for another person to provide his livelihood, we are of the considered view that the law does not come to the help of such a person. The scheme for compassionate appointment was evolved for helping families which had been thrown into extreme penury on account of the unexpected demise of its bread winner. The case of the applicant does not come within that category.


4. The Hon'ble Supreme Court has in a catena of rulings deprecated the practice of granting compassionate appointment to near relatives other than son, daughter, widow or adopted children. Taking into account the scope of the scheme for compassionate appointment and viewing the facts of the case in ^{light} ~~that~~ ^{we}

do not find that the applicant's claim has any force at all. The application is therefore, rejected under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.

Dated the 26th day of June, 1998.



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

1. Annexure A1: Order dated 25.6.1997 passed by 1st respondent bearing No.ST. 81/CGA/II/29.

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