

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 76/97

Wednesday this the 2nd day of April, 1997.

CORAM

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

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Bilgy M.R. aged 25 years
D/o M.K. Raghavan (late)
residing at Bilgy Nilayam,
Junior Janatha Road, Vytilla PO.
working as Lower Division Clerk,
Integrated Fisheries Project,
Cochin-16. Applicant

(By Advocate Mr. K. Ramakumar (represented))

Vs.

1. The Union of India represented
by the Secretary,
Department of Agriculture,
Krishi Bhavan, New Delhi.

2. The Director,
Integrated Fisheries Project,
Cochin under the Department of
Agriculture, Union Project,
Cochin-16. Respondents

(By Advocate Mr. Arun rep. Mr. TR Ramachandran Nair)

The application having been heard on 2.4.1997, the
Tribunal on the same day delivered the following:

O R D E R

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

The challenge in this application is against
the order dated 10.1.97 by which the adhoc appointment
of the applicant as Lower Division Clerk stood terminated
with effect from 10.1.97. The applicant was appointed
on an adhoc basis as a Lower Division Clerk under the
respondents by the order dated 4.4.96 clearly telling
her that the appointment was purely on an adhoc basis
for a period not exceeding 59days or till such time the
vacancy exists whichever is earlier. Only after ascertaining
her willingness to accept the abovesaid appointment, the
applicant was appointed. The adhoc appointment itself
contd.....

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was made considering the request of the applicant for an appointment on compassionate grounds on the demise of her father, who was working as Assistant Operator in the Ice Plant pending decision in the matter by the competent authority. Aggrieved by the impugned order the applicant has filed this application praying that the impugned order may be quashed and the respondents be directed to continue the applicant as a Lower Division Clerk despite the impugned order. It has been alleged in the application that the applicant is entitled to appointment on compassionate grounds as her father had died in harness.

2. The respondents resist the application. They contend that though the applicant was given an adhoc appointment, the matter was referred to the competent authority in the department to consider whether it would be in accordance with rules if appointment is given to the applicant on compassionate grounds as two of her brothers were already employed and that as the competent authority has decided that the circumstances of the family do not warrant employment assistance on compassionate grounds, it is not feasible to give an appointment to the applicant. It has also been contended in the reply that apart from the fact that two members of the family of the deceased are employed, the family is in receipt of terminal benefits of the deceased in terms of gratuity amounting to Rs.53,568/-, Central Government Employees Group Insurance Scheme amounting to Rs.34,524/- Leave salary due to the deceased amounting to Rs.2,363/-

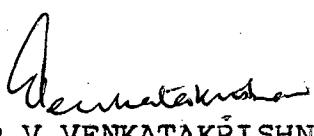
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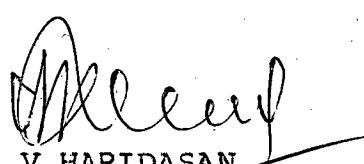
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and a monthly family pension of Rs. 720/- p.m. plus allowances. The respondents contend that with all these resources the family cannot be considered indigent and therefore the case does not warrant a compassionate appointment to the applicant. The action taken by the respondents in terminating the adhoc appointment of the applicant is unexceptional, contend respondents.

3. Having considered the facts and circumstances emerging from the pleadings, we are of the considered view that the decision of the respondents in refusing to grant a compassionate appointment to the applicant cannot be faulted. The spirit of the scheme for grant of compassionate appointment is to help the family of a government servant dying while in service, survive the extreme poverty and indigence brought out by the unexpected demise of the bread winner. It is not to see that every son or daughter or near relative of a government servant who dies while in service is provided with employment that the scheme was evolved. In the case of the applicant, we are of the considered view that the family will be able to survive even without an appointment being given to the applicant. We find no merits in this application and therefore dismiss the same leaving the parties to bear their costs.

Dated the 2nd day of April, 1997.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN