

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.82/04

Thursday this the 5th day of February 2004

C O R A M :

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

P.V.Darvin,
Palackal Veli House,
S.L.Puram P.O., Alappuzha.

Applicant

(By Advocate M/s.Santhosh & Rajan)

Versus

1. The Flag Officer Commanding-in-Chief,
Headquarters, Southern Naval Command,
Kochi - 4.
2. The Chief Staff Officer (P & A),
Headquarters, Southern Naval Command,
Kochi - 4.
3. The Deputy Secretary/D(Lab.),
Ministry of Defence,
Government of India,
New Delhi.

Respondents

(By Advocate Mr.C.Rajendran,SCGSC)

This application having been heard on 5th February 2004
the Tribunal on the same day delivered the following :

O R D E R

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

The applicant is a son of late M.S.Vijayan who while
working as Junior Gestetner Operator in the Naval Air Craft Yard,
Kochi died on 24.10.1998. Late Vijayan was survived by his
widow, son (the applicant) and two daughters. The first of the
daughters got married. The family now consists of the applicant,
his mother and the youngest daughter who is now 25 years old. A
claim was made for compassionate appointment on the ground that
the financial condition of the family was indigent on the death
of the bread winner late M.S.Vijayan. The case of the applicant
for employment assistance on compassionate grounds was turned

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down by the impugned order dated 4.2.2002 issued for and behalf of the 1st respondent by the 2nd respondent informing the applicant that on a consideration of the relevant factors the committee having placed him only at Serial No.57 on merit as against the vacancy of three the claim of the applicant for employment assistance on compassionate grounds could not be acceded to. The applicant then submitted a representation to the 1st respondent on 20.2.2002 for which he did not get any response. Therefore he approached the Hon'ble High Court of Kerala in O.P.9150/2002 which was disposed of by the Hon'ble High Court by its order dated 24.1.2003 stating that the applicant should seek reliefs before the Central Administrative Tribunal. Accordingly the applicant has filed this application. It is noted that there is a marginal delay in filing the application.

2. When the application came up for hearing Shri.C.Rajendran,SCGSC appeared for the respondents. We have heard the learned counsel. Shri.C.Rajendran,SCGSC stated that there is nothing in this case which would require admission of the application and further deliberation. The case of the applicant for employment assistance on compassionate grounds has been considered in the proper perspective by a committee and the name of the applicant having been placed at Serial No.57 as against the vacancy of three the action on the part of the respondents to tell the applicant that his claim could not be acceded to does not call for any interference, argued Shri.C.Rajendran.

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3. Learned counsel of the applicant states that the terminal benefits and the family pension received by the family is inadequate and it is a fit case for the Tribunal to give directions to the respondents to consider the applicant for employment in the next arising vacancy.

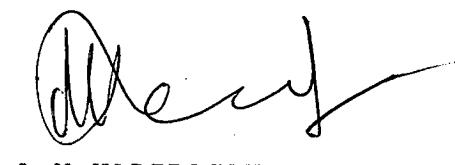
4. On a careful scrutiny of the impugned order as also the other materials on record and after hearing the learned counsel, we find that the application does not disclose any subsisting and valid cause of action which calls for admission and further deliberation. The employment assistance on compassionate grounds can be granted only as against the number of vacancies earmarked in that regard. In this case there has been three vacancies and the committee has considered the cases on the basis of the comparative merit and hardship and placed the applicant at Serial No.57 as against the three vacancies. There is no allegation that the committee did not consider the claim of the applicant according to the proper criteria nor is there any allegation of malafide. The case on hand does not project an extreme indigent situation also. The applicant himself is now 35 years old, the youngest member of the family is 25 years old and the dependent widow is getting a family pension. As no young children are to be brought up and educated and no old people to be taken care of the family should be able to get on reasonably well with the family pension, terminal benefits and the efforts of the applicant and his sister who are old enough to stand on their own, we find that the decision of the Committee is perfectly well reasoned.

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5. In the light of what is stated above we reject the application under Section 19(3) of the Administrative Tribunals Act, 1985.

(Dated the 5th day of February 2004)

H. P. DAS
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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