

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 86 OF 2003

Wednesday this the 5th day of February, 2003

CORAM

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

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

1. R.Sadanandan, Ex.EDDA
Niravel House, Athirumkal PO
Koodal-689 683.
2. Syamchand N.S. S/o R.Sadanandan
Niravel House, Athirumkal PO
Koodal. ..Applicants

(By Advocate Mr.P.R.S. Nair)

V.

1. Union of India, represented by the
Secretary to Government of India,
Department of Posts
Ministry of Communications,
Dak Bhavan, Sansad Marg
New Delhi.110001.
2. Chief Postmaster General,
Kerala Circle, Trivandrum.33.
3. Superintendent of Post Offices,
Pathanamthitta Division,
pathanamthitta.Respondents

(By Advocate Mrs. P.Vani, ACCSC)


The application having been heard on 5.2.2003, the Tribunal on the same day delivered the following:

O R D E R

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

The second applicant is the son of the first applicant. The first applicant was appointed as Extra Departmental Delivery Agent at Athirumkal on 1.6.1973. After completion of 27 years service on 17.10.1997, he became partially paralysed due to

Cerebral Thrombess and its Squela TAO and he was on leave thereafter. During the period of his leave, his son the second applicant was appointed as a substitute. The first applicant has retired on superannuation after attaining 65 years on 25.8.2000. On 30.12.1999 the 1st applicant had submitted a representation to the 3rd respondent seeking appointment of his son, the 2nd applicant in relaxation of the rules to which he was served with Annexure A1 letter dated 6.1.2000 informing that the third respondent was not competent to take decision in such matters and the appropriate authority is the 2nd respondent. The 1st applicant thereafter on 15.1.2000 submitted a representation to the second respondent stating that he was sick and was undergoing treatment, that his son was working as substitute during the period of his leave, that he was to retire after attaining the age of 65 years on 28.5.2000, that he would be without any income to meet the expenses for treatment as the allowances would be stopped on his retirement and therefore seeking appointment of his son in his place. In reply to the representation, the applicant was given Annexure A3 order dated 5.6.2000 stating that the present recruitment rules do not provide for relaxation in the circumstances for appointment of the 2nd applicant. The 1st applicant submitted another representation Annexure A7 dated 19.10.2001 requesting that employment assistance on compassionate grounds be made to his family by appointing his son, the 2nd applicant. This request was turned down by Annexure A8 order dated 14.2.2002 on the ground that as the discharge of the 1st applicant from service was on superannuation after attaining the age of 65 years, the rules do not provide for such appointment on compassionate grounds.



2. Aggrieved by this applicants 1 and 2 have filed this application jointly seeking to set aside Annexure A8 order and for a declaration to respondents No.2 to appoint the 2nd applicant in the post of EDDA at Athirumkal or anywhere under the Sub-Division of Pathanamthitta Postal Circle.

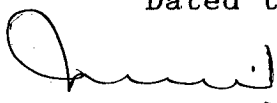
3. Ms. P. Vani, ACGSC took notice on behalf of respondents.

4. We have gone through the application and the material placed on record and have heard Shri PRS Nair, the learned counsel of the applicants and Ms. P. Vani, ACGSC the learned counsel for the respondents.

5. The benefit of employment assistance on compassionate grounds is available in the case of death or discharge or retirement on medical invalidation. In this case, the 1st applicant continued in service till the date of superannuation attaining 65 years of age. Although he had made representation Annexure A2 for appointment of his son, the 2nd applicant, he was not discharged on medical invalidation. Hence the request was not supported by any rule or instructions.

6. In the light of what is stated above, finding no valid cause of action the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 5th February, 2003.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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A.V. HARIDASAN
VICE CHAIRMAN