

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 89 of 2011

Thursday, this the 03rd day of February, 2011

CORAM:

Hon'ble Ms.K.Noorjehan, Administrative Member

Mr.S Arun
S/o.Late C.R Somasekharan Pillai
'Vinayaka' Mundakkal Middle
Kollam – 1 **Applicant**

(By Advocate – Mrs.Laila Sunil)

V e r s u s

1. Union of India, Ministry of Communications and Information Technology, represented by its Secretary, New Delhi
2. The Chief Post Master General, Kerala Circle Thiruvananthapuram 695 001.
3. The Chief Accounts Officer (Postal) Kerala Circle GPO Building, IV Floor, Trivandrum 695 001
4. Director of Accounts, (Postal) Kerala Circle, Thiruvananthapuram
5. The Deputy Director, Postal Accounts Office Thiruvananthapuram Division **Respondents**

(By Advocate – Mr.Sunil Jacob Jose, SCGSC)

This application having been heard on 03.2.2011, the Tribunal on the same day delivered the following:

ORDER

By Hon'ble Ms. K.Noorjehan, Administrative Member -

1. Aggrieved by Annexure A-5 impugned order rejecting his claim for employment under the Compassionate Appointment Scheme the applicant has filed this Original Application. His father died in harness on 13.01.1993 while working as Junior Accountant, Postal Accounts Office, Trivandrum. The deceased employee left behind him the applicant, his sister and his mother. His mother did not apply for a job as she was already employed in the Postal Department and he and his sister were aged 8 and 10 years respectively. Immediately on becoming a major in 2003, he submitted Annexure A-4/3 representation to the 2nd respondent seeking for appointment under Compassionate Appointment Scheme.
2. It is seen that the family received Rs.18,720 as D.C.R.G, Rs.34034 as C.G.E.G.I.S amount and family pension of Rs.1414 + applicable D.A. The family has 10 cents of land wherein a house valued at Rs.5.5 lakhs is constructed. For constructing the house Rs.2.25 lakhs was taken from the Postal Department and Rs.1.8 lakhs from HDFC.
3. The short question which arises is whether the family is in need of any financial assistance?. The family owns a house and the applicant's mother is employed in the Postal Department itself and she is in receipt of family pension. In a catena of judgements the Supreme Court has held that "Offering Compassionate Appointment as a matter of course irrespective of the financial condition of the family of the deceased or medically retired Government servant is legally impermissible. "
4. "Compassionate Appointment cannot be granted after lapse of a reasonable period and it is not a vested right which can be exercised at any time in future".
5. According to para 9(a) of DOPT(OM) No.14014/6/94-Estt(D) dated 09.10.1998, when there is an earning member in the family, a dependent family member may be considered for compassionate appointment with prior approval of the Secretary of the Department concerned and before approving such appointment, will satisfy himself that grant of compassionate appointment is

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justified having regard to number of dependents, assets and liabilities left by the Government servant, income of the earning member etc.

6. In this case the family owns a house and the mother of the applicant is a Central Government employee and receives family pension also. The size of the family is small with only two children. The applicant is doing his M.C.A course and is educationally well equipped to get a job on his own merit. In this view of the matter there is no merit in this Original Application and hence it is dismissed. Ordered accordingly. No costs.

(Dated this the 03rd day of February, 2011)



(K. NOORJEHAN)
ADMINISTRATIVE MEMBER

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