

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.104/2003.

Tuesday this the 4th day of March 2003.

CORAM:

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

Vimalkumar T.P.,
Thaiparambil House, Maniyar P.O.,
Vadasserikkara,
Pathanamthitta(Dist.) Applicant

(By Advocate Shri Babu Cherukara)

Vs.

1. Union of India represented by the
Secretary to Department of Posts,
Dak Bhavan, New Delhi.
2. The Superintendent of Post Offices,
Pathanamthitta Postal Division,
Pathanamthitta. Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 4.3.2003,
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 the son of late Mr.K.Podiyar, an erstwhile Extra Departmental Delivery Agent (EDDA for short) who was discharged from service on 21.7.94 allegedly on medical invalidation. At that time the applicant was a young boy. His mother was working at that time as ED Agent for some time but on account of her inability to perform duties, she ceased to work. Now after nine years a claim has been made for employment assistance on compassionate grounds. Finding that the claim has not been neither acceded to nor responded to, the applicant has filed this application for a declaration that the applicant is entitled to be appointed as an employee of the Postal Department, he being a dependant of medically invalidated deceased Podiyar

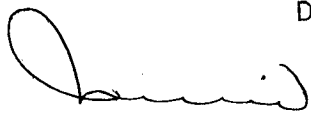
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and for a direction to the respondents to consider and dispose of A-2 representation made by the applicant on 21.5.2002.

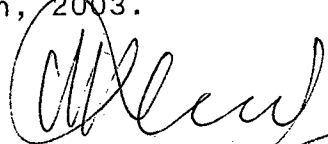
2. On a perusal of the application and the material appended thereto and on hearing the learned counsel of the applicant and that of the respondents, we find that there is no scope for admission of this O.A. and for further deliberation. The claim for employment assistance on compassionate grounds on the discharge on medical invalidation of applicant's father, which took place about 9 years back from today, does not really survive. The scope of the scheme for employment assistance on compassionate grounds is only to provide immediate assistance to the family of Government Servant dying in harness or ceasing to be in service on medical invalidation. Such a situation is not existing now. At the time when the applicant's father was discharged from service on medical invalidation, his mother was working. The family was not depending on any income from the deceased Podiyan for the last 9 years. Therefore, as the family has been able to survive the indigence if at all which was brought about by the medical invalidation, the same is not continuing now.

3. In the light of what is stated above, finding that there is no subsisting cause of action, we reject this application under Section 19(3) of the Administrative Tribunal's Act, 1985.

Dated the 4th March, 2003.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN