

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.107/2003

Tuesday this the 13th day of May, 2003.

C O R A M

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

Suresh Babu
S/o Late K.Divakaran
Ex.Sub Post Master, Edathua
Residing at Karukaparambil House
Muttar P.O.
Alappuzha District.

Applicant.

(By advocate Mr.T.C.Govinda Swamy)

Versus

1. Union of India represented by the
Secretary to the Ministry of Communications
Department of Posts
Dak Bhavan, New Delhi.
2. The Director General
Department of Posts
New Delhi.
3. The Chief Post Master General
Kerala Circle
Trivandrum.
4. The Superintendent of Post Offices
Thiruvalla Division
Thiruvalla.

Respondents

(By advocate Mr. M.Rajeev, ACGSC)

The application having been heard on 13th May, 2003, the Tribunal on the same day delivered the following:

O R D E R

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

This is an application under Section 19 of the Administrative Tribunals Act, 1985 relating to appointment on compassionate ground. Applicant's father K.Divakaran died in harness while working as Sub Post Master, Edathua, on 30.5.94. He was survived by his widow who was working as a P.D.Teacher, two sons of whom the applicant is the elder and also a daughter who had already been married. The applicant who is now aged 34 years submitted a claim for employment assistance on compassionate ground on 10.8.94. The request was rejected by A-1

order dated 1.9.94 stating that as the mother of the applicant was working as a P.D.Teacher getting a monthly salary of Rs.4197 and the family was in receipt of family pension and other benefits, considering the small size of the family it was found that the family was not in indigent circumstance or in great distress warranting employment assistance on compassionate ground. The applicant submitted an appeal to the second respondent in reply to which he was informed by A-2 dated 27.7.95 that the matter had been considered but it was found not feasible to give employment assistance on compassionate ground as the family circumstances did not deserve any such dispensation. Applicant in the meanwhile met with an accident and had to incur an expenditure of over Rs.1.50 lakhs for his treatment. The claim for compassionate appointment was again taken up by the applicant and he was informed by A-7 letter dated 27.3.2000 that considering the facts and circumstances, the size of the family and the income and assets, the family was not found in indigent condition and, therefore, the request could not be acceded to. Aggrieved, the applicant has filed this application challenging A-1, A-2 and A-7.

2. I have carefully gone through the application and the material placed on record and have also heard the learned counsel of the applicant and the counsel appearing for the respondents.

3. On a careful scrutiny of the application and the material placed on record, I am of the considered view that the impugned orders cannot be faulted. On the date of death of applicant's father K.Divakaran, the mother of the applicant was employed as a P.D.Teacher and was also getting family pension in addition to

the other terminal benefits. The only daughter had already been married and the applicant and his brother were no more children. In these circumstances, the competent authority did not find the family in an indigent situation deserving employment assistance on compassionate ground and consequently the claim was rejected. I do not find any infirmity or lack of application of mind in the impugned orders A-1 & A-2. Annexure A-7 also cannot be faulted. The objective of the scheme for compassionate appointment is not to give employment to each one of the son or daughter of a Government servant dying in harness but to save the family of Government servants from extreme indigence and penury to which the family might fall on account of sudden unexpected demise of the sole breadwinner. That is not the situation in this case. The mother of the applicant was employed. There was no daughter to be married nor there were infant children to be brought up.

4. In the light of what is stated above, finding nothing more to deliberate, this application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 13th May, 2003.



A.V. HARIDASAN
VICE CHAIRMAN

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