

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.116/2002.

Wednesday this the 13th day of February 2002.

CORAM:

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

D.Unnikrishnan,
S/o Late PKD Nair,
Kulangaramadom, Vadackal P.O.,
Alappuzha.

Applicant

(By Advocate Shri P.K.Ravisankar)

Vs.

1. Union of India, represented by
its Secretary, Ministry of Defence,
New Delhi.
2. Engineer-in-Chief,
Engineer-in-Chief's Branch,
Army Headquarters,
New Delhi-110011.
3. Chief Engineer (AF),
Headquarters, Shillong Zone,
Elephant Falls Camp,
Nongeyer Post,
Shillong-793 009.

Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 13th February 2002
the Tribunal on the same day delivered the following:

O R D E R

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


The applicant's father late P.K.D.Nair died on
28.12.1978 while working as Motor Pump Attender under the
respondents. Late Nair was survived by his widow and his only
son the applicant, who was only 30 days old on that date. The
widow of late Nair did not apply for compassionate appointment
and it is stated that she was suffering from Asthma. However,

when the applicant attained the age of majority, the applicant's mother made a request on 18.5.1998 to the Chief Engineer, Eastern Command, Calcutta that the applicant may be appointed to a post on compassionate grounds. Although the applicant's mother was informed by a letter dated 30.9.2000 that the applicant's name has been included in the waiting list and would be considered when a vacancy would arise, ultimately, the claim of the applicant for compassionate appointment has been rejected by Annexure A-4 order dated 31.7.2001 on the ground that on consideration of the facts and circumstances, taking into account that the death occurred in the year 1978 and that the family is in receipt of the family pension and due to paucity of vacancy it has been found not feasible to grant employment assistance to the applicant. A further representation made by the applicant was also rejected by order dated 19.11.2001 (A5). Impugning these two orders, the applicant has filed this application seeking to set them aside and for a direction to the respondents to appoint the applicant in any civil post on compassionate grounds.

2. We have heard Shri Ravisankar, learned counsel appearing for the applicant and Shri C.Rajendran, Senior Central Government Standing Counsel for respondents. We have also gone through the application and the annexures appended thereto. The death of the applicant's father took place in the year 1978. The surviving members of the family were the applicant and his mother. The applicant's mother did not seek employment assistance on compassionate grounds. The applicant has stopped his education in the year 1995. There is no case

that he is unhealthy. So, the applicant who is 22 years old should be able to stand on his own legs. The applicant's mother is getting family pension. Under these circumstances, the decision of the competent authority to reject the claim of the applicant for compassionate appointment does not call for judicial intervention. Hence, the O.A. is rejected under section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 13th February 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of letter dated 18.5.1998 submitted by Smt. Sathi Nair to the Chief Engineer, Eastern Command, Fort William, Calcutta.
2. A-2: True copy of letter dated 18.6.99 submitted by the Garrison Engineer (I) AF Chabua to the Petitioner.
3. A-3: True copy of letter dated 30.9.2000 issued by the 3rd respondent to Smt. Sathi Nair.
4. A-4: True copy of order No.81604/4/2022/EIC (2) dated 31.7.2001 issued by the 3rd respondent to the applicant.
5. A-5: True copy of order No.81604/4/2149/EIC (2) dated 19.11.2001 issued by the 3rd respondent to the applicant.

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