

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.12/2007

Dated this the 21st day of November 2007.

CORAM :

HON'BLE MR.GEORGE PARACKEN, JUDICIAL MEMBER

Attakoya K.,
Kandeth House, Androth Island P.O.,
Union Territory of Lakshadweep. ... Applicant

By Advocate Mr.V.P.Mohammed Niyas
V/s.

- 1 The Administrator,
 Union Territory of Lakshadweep
 Kavaratti Island.
- 2 The Director of Medical and Health Services
 Directorate of Medical and Health Services
 Kavaratti ... Respondents

By Advocate Mr.Shafik M.A

The application having been heard on 21.11.2007 the Tribunal on the same day delivered the following

(ORDER)

Hon'ble Mr.George Paracken, Judicial Member


This is the second time the applicant is coming before this Tribunal seeking directions to the Respondents to appoint him on compassionate grounds. When he approached this Tribunal earlier vide OA No.506/2005, it was disposed of on 6/3/2006 with a direction to the respondents to take a decision on his application for compassionate ground appointment pending with them. The present application has been filed after the respondents have issued the Annexure A-4 order dated



4/10/2006 rejecting his request for compassionate appointment. The respondents have submitted that applicant's case was considered alongwith 80 others against 13 available vacancies for appointment on compassionate grounds. Since the number of applications were very large and the number of vacancies available for appointment on compassionate ground were very few, they have considered the candidates, falling within the criteria, that they should have assets less than Rs.2 lakhs and monthly income less than Rs.2000/- and no person in the family was employed. In the case of the applicant, his family has assets worth Rs.10,52,933/- and the monthly income by way of family pension itself was Rs.10,932/- upto 5/9/2008 and Rs.6563/- thereafter. In terms of the aforesaid criteria, since the case of the applicant was not found to be one of the most deserving cases, his request for compassionate appointment case was rejected.

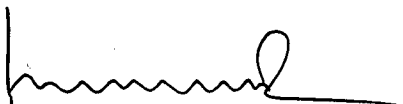
2 The counsel for the applicant has contended that if his application were considered in the year 2001, the year in which his father died, he would have been recommended for compassionate appointment. However, the respondents counsel has submitted that the applicant has not applied within time.

3 I have considered the submissions made by both the counsels and also perused the record. When the demand for compassionate ground appointment is so high and very much disproportionate to the vacancies earmarked for the purpose from the direct recruitment quota, no doubt, the respondents have to restrict such appointments to only the most deserving



candidates. The criteria adopted by the respondents in identifying such candidates also based on sound principles. I have also seen that the applicant had made an undated application for appointment on compassionate grounds and the same was forwarded by second respondent to the competent authority on 17/7/2002 by Annexure A-2 letter. It appears that the applicant did not apply in 2001 or even in the first part of 2002 whereas the death of the Applicant's father took place on 6/9/2001. There is also no averment from the applicant that the 2nd respondent had not forwarded his application for compassionate appointment in time. Since the applicant himself has not shown any urgency in applying for compassionate appointment and such appointments are given to a member of the family of the deceased to get over the immediate financial distress caused by the sudden death of the only earning member of the family, I agree with the decision of the respondents that the applicant's case is not comparatively a fit case for granting compassionate ground appointment. For the very same reasons, I also do not consider it necessary to direct the respondents to reconsider his case with reference to the number of applications for compassionate ground appointments and the number of vacancies are available in the years 2001 or 2002.

4 In the above facts and circumstances of the case, the OA is dismissed. There shall be no orders as to costs.


GEORGE PARACKEN
JUDICIAL MEMBER

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