

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 133 of 2011

Thursday., this the 22nd day of March, 2012

CORAM:

HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

K. C. Roshan,
S/o. Late K.N. Chandran,
Kinattukara House,
Parambithara Road,
Panampilly Nagar,
Cochin – 682 036.

- Applicant.

(By Advocate Mr. Manu Roy)

Versus

1. Union of India,
represented by the Secretary,
Ministry of Defence,
New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief
Headquarters, Southern Naval Command,
Kochi – 682 004.

- Respondents.

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

This application having been heard on 08.03.2012, the Tribunal on 22-03-12 delivered the following:

ORDER

By HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The father of the applicant in this Original Application died on 06.05.2007 while working as Telephone Supervisor under the respondents. The application of the applicant for appointment under compassionate appointment scheme was rejected by the 2nd respondent vide Annexure A-5 order. Aggrieved, he has filed this O.A for a declaration that he is entitled to employment under the compassionate appointment scheme and for a



direction to the respondents to give him appointment under the said scheme.

2. The applicant contended that his application for compassionate appointment was rejected on technical grounds. It should have been considered sympathetically. His financial condition should have been considered in the correct perspective. The finding of the respondent in Annexure A-5 is that his family has movable and immovable properties amounting to Rs. 10,55,300/- and is in receipt of Rs. 8610/- as family pension apart from the terminal benefits received, therefore, he is not entitled for appointment under compassionate appointment scheme is wrong.

3. In the reply statement, the respondents stated that the case of the applicant had been considered by the Board of Officers on three occasions in accordance with the provisions contained in the compassionate appointment scheme. He could not be given on the basis of weightage points he got. There were more deserving cases than the case of the applicant. No wrong appreciation of facts or selection had taken place in the case of the applicant. His case was considered based on the verification report obtained from the Collector, Ernakulam. As per the policy guidelines, the value of movable / immovable properties of the family of the deceased is taken into consideration. The Board of Officers have carefully examined the case of the applicant on all three occasions along with other cases. His name could not be recommended for employment assistance due to low merits and availability of more deserving cases than the applicant.

4 Heard Mr. Manu Roy, learned counsel for the applicant and Mr. Sunil Jacob Jose, SCGSC, learned counsel for the respondents and perused the records.



5 The appointment of a dependent on compassionate grounds upon demise of a Government servant in harness is not a matter of right. As the number of posts available for such appointment is limited, only the most deserving candidate will be offered a job. The respondents had obtained a verification report from the Collector and then put up the case of the applicant for consideration along with others on three occasions in accordance with the provisions in the compassionate appointment scheme. Unfortunately, for the applicant, there were more deserving candidates based on the weightage points than him for granting appointment under the said scheme. As the impugned order Annexure A-5 shows that the Board of Officers has carefully considered the case of the applicant taking into account all relevant aspects in accordance with the rules, there is no reason for this Tribunal to interfere in the matter.

6 Devoid of merit, the O.A. is dismissed with no order as to costs.

(Dated 22nd March, 2012)



K. GEORGE JOSEPH
ADMINISTRATIVE MEMBER

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