

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 163 of 2003

Thursday, this the 22nd day of May, 2003

CORAM

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

1. Pradeep Kumar M,
S/o late Muraleedharan Pillai,
Mundumadathil, Laxmi Nivas,
Kurampala, Pandalam PO,
Pathanamthitta District.Applicant

[By Advocate Mr. K. Sasikumar]

Versus

1. Chief Engineer
Head Quarters Southern Command (Navy),
Military Engineering Service,
Engineers Branch, Pune - 411 001
2. Chief Engineer (Navy),
Military Engineering Service,
Naval Base (PO), Kochi.
3. Union of India, represented by the
Secretary to Government,
Ministry of Defence, Government of India,
New Delhi.Respondents

[By Advocate Mr. George Joseph, ACGSC]

The application having been heard on 22-5-2003, 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 eldest of the three sons of deceased Muraleedharan Pillai, who, while working as Upper Division Clerk under the 2nd respondent, died in harness on 2-6-1999 leaving behind his widow and three sons. The applicant had completed his BA Degree course and the younger brothers were studying in Polytechnic. On the date of death of the applicant's father, he was 24 years old. The mother was

unemployed. Finding that with the terminal benefits and family pension it was not possible to make both ends meet, a request was made by the applicant for employment assistance on compassionate grounds. Although he had attended the interview, furnished the bio-data and relevant certificates and thus complied with all the legal formalities in connection with the matter, the applicant is aggrieved that his request for employment assistance on compassionate grounds was turned down by order dated 6-9-2002, according to the applicant, without due application of mind to the relevant facts. Hence, the applicant has filed this application seeking to set aside the impugned orders, for a declaration that he is entitled to be appointed on compassionate grounds and for a direction to respondents 1 and 2 to appoint him as Lower Division Clerk under the scheme.

2. Respondents in their statement indicated that the cases for compassionate appointment would be considered on four quarterly meetings, that the applicant's case was considered on three quarterly occasions and that on the basis of the marks given by the committee more deserving cases having been awarded employment assistance on compassionate grounds, the applicant could not be appointed. It is stated that taking into account the relevant criteria, the service left by the officer at the time of death, the liabilities in terms of unmarried daughters, the terminal benefits and other income and assets of the family etc., the committee graded the cases and in that process the applicant was awarded 28 marks, while the last person who has been granted appointment was awarded 74 marks and the cases have been considered in the proper way. As the applicant's family is in receipt of Rs.3,42,577/- as terminal benefits,

Rs.2900/as family pension and Rs.3000/- per annum as yearly income from landed property, the family was not considered as indigent to be given employment assistance on compassionate grounds. Respondents, therefore, contend that the application is devoid of any merit and is liable to be dismissed.

3. The applicant has filed a rejoinder in which it has been stated that the case of the applicant has not been properly considered.

4. I have gone through the pleadings and materials placed on record very carefully and have heard Shri K.Sasikumar, learned counsel of the applicant and Shri George Joseph, ACGSC appearing for the respondents.

5. From the statement filed by the respondents and the data given it is evident that the applicant's case has been reviewed on three quarters and he could not be awarded employment assistance on compassionate grounds on account of the comparative merits/demerits of the cases. More deserving cases were there to be taken care of towards the 5% vacancies in Group C and D posts earmarked for employment assistance on compassionate grounds. I am of the considered view that the decision of the committee that the applicant was not to be given employment assistance as against the vacancies available in the face of the gradation cannot be faulted at all. However, from the statement itself, it is evident that the applicant's case is required to be considered on one more quarter. Under these circumstances, the application is disposed of directing the respondents to inform the applicant

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the result of the consideration of the fourth quarter within a period of two months from the date of receipt of a copy of this order. No costs.

Thursday, this the 22nd day of May, 2003

A handwritten signature in dark ink, appearing to read 'A.V. Haridasan', with a long, sweeping horizontal stroke extending to the right.

A.V. HARIDASAN
VICE CHAIRMAN

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