

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 165
~~XXXXXX~~ 1990

DATE OF DECISION 28-2-1991

K. Santhi

Applicant (s)

M/s. C. S. Rajan P. Sankaran

~~Kutty Nair, TV Ayayakumar~~ Advocate for the Applicant (s)

Versus

Union of India represented Respondent (s)

by the Secretary to Govt. of India,
Ministry of Defence, New Delhi and two others

Mrs. Subhagamani, ACGSC

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S. P. Mukerji, Vice Chairman

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

N. Dharmadan, Member (Judicial).

The applicant is the eldest, unmarried daughter of one Shri P. Sreedharan, who died of heart-attack on 6-10-76, while he was serving as Office Superintendent in I.N.S. Garuda, Naval Base, Cochin under the third respondent. The deceased is survived by his widow, Smt. K. Kamaladevi and two daughters aged 12 and 10 including the applicant.

The mother of the applicant was employed as Music Teacher in a Primary school at the time of death of her husband Shri P. Sreedharan. She retired from service on superannuation by the end of March 1990.

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2. The applicant, on the death of her father submitted a proforma regarding employment of dependents of Govt. servants dying while in service for getting compassionate appointment in view of the pathetic condition of the family left by the deceased. This request for compassionate appointment was rejected by Annexure A-III letter dated 13th November 1982, on the following reasons:

- "(a) The time limit for applying employment assistance in two years from the date of death of the Govt. employee whereas the time limit has already over in this case.
- (b) The minimum age for employment in Govt. service is, 18 years, whereas Kumari Sathi is aged only 15 years and 10 months
- (c) The scheme is introduced to provide immediate relief for the family of deceased who are in indigent circumstances whereas in your case, you are already employed.."

The applicant's mother submitted application for the same relief explaining the circumstances and reasons which compelled the family to seek employment assistance. However, this was also rejected by the third respondent by Annexure A-IV letter dated 14th April 1983, stating that enquiry and report received from the civil authorities revealed that the 'family of late P. Sreedharan, Office Superintendent is not in need of immediate employment assistance as one member of the family is gainfully employed'.

3. The applicant submitted ~~xxxxxx~~ representation dated 27-2-86 mentioning about her ^{mother's} representations

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and submitted that the family is in/^a state of severe financial strainsxxxxx and high-lighted the need for one more earning member to meet the day to day expenditure of the family. and requested for compassionate appointment. This was also rejected by the impugned order dated 10-3-89 (Annexure A-VIII).

The reasons for the rejection reads as follows:

"...Application submitted earlier by your mother Smt. Kamala Devi for employment assistance, was also studied in great details and was not approved. It was also confirmed by the District Collector, Ernakulam that the family was not in indigent circumstances..."

4. The respondents filed the reply affidavit denying all the allegations and submissions in the application. Along with the reply affidavit a report submitted by the District Collector, Ernakulam, who conducted the enquiry about the family condition was also produced and is marked as Annexure R-I.
- Relying on the report of the District Collector, it is stated that family was not in immediate need of employment assistance but it would be necessary when Smt. Kamala devi retires from service. It is further contended in the reply that the scheme of compassionate appointment is provided by the Government to extend immediate assistance to bereaved family by providing employment to one of the eligible persons in the family of the person who died in harness or retired on invalid pension.

5. Having heard the matter in the light of the submission of the counsel on both sides and after perusing the documents produced in this case, we are of the view that the family of late P. Sreedharan was not in an indigent circumstances at the time of the death of Shri P. Sreedharan because of the fact that Smt. Kamala devi, his wife was employed then. But the fact remains that the deceased P. Sreedharan has survived a widow and two un-married daughters and it is found that the family has to bear heavy burden including the marriage expenses of two daughters. The District Collector, in his report submitted to the Flag Officer-in-Chief, Southern Naval Command, Cochin/that 'the family is not in need of immediate assistance. But the family will be in need of employment assistance as and when Smt. Kamala devi retire from service' (emphasis added). From the aforesaid statement of the District Collector, it is clarified that the family of late P. Sreedharan would be in need of employment assistance as and when the wife of the deceased Smt. Kamala devi retires from service. This ~~xxxxxx~~ preposition leads us to a irrebuttable presumption that the family of late P. Sreedharan is in indigent condition ever since ~~xxxxxx~~ Smt. Kamala devi retired from service in the month of March 1990.

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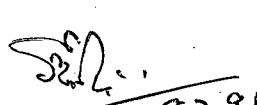
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6. In this view of the matter, we are of the view that the applicant's claim for the compassionate appointment requires to be considered by the respondents taking into consideration the report of the District Collector notwithstanding the reason for rejecting the application for compassionate appointment in the impugned order. Accordingly, we feel that the interest of justice will be met if we dispose of this application with a direction to the applicant to submit a fresh representation stating about the present circumstances of the family on account of the retirement of her mother. This should be done by the applicant within two weeks from the date of receipt of the copy of the judgment. If such a representation is filed, it is directed that the respondents shall consider the same and dispose of the claim of the applicant in the light of the observations made in the judgment as expeditiously as possible at any rate within a period of two months from the date of receipt of such representation.

The Original Application is, thus allowed.

There will be no order as to costs.


(N. Dharmadan)
Member (Judicial)


(S.P. Mukerji)
Vice Chairman