

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 166 of 2010

Thursday, this the 3rd day of March, 2011

CORAM:

Hon'ble Ms.K.Noorjehan, Administrative Member

P.J Unnikrishnan, aged 24 years
S/o (Late) P.D Jayakumar
Vazhavila Veedu
Ollal, Paravur P.O
Kollam District

Applicant

(By Advocate – Mr.T.C Govindaswamy)

V e r s u s

1. Union of India rep by the Secretary to the Government of India
Ministry of Information and Broadcasting
New Delhi – 110 016
2. The Sr.Administrative Officer
Films Division, Government of India
Ministry of Information & Broadcasting
No.24, Dr.G Deshmukh Marg
Mumbai – 400 026
3. The Chief Producer
Films Division, Government of India
Ministry of Information & Broadcasting
No.24, Dr.G Deshmukh Marg
Mumbai – 400 026
4. The Head of Office
Films Division, Government of India
Ministry of Information & Broadcasting
No.24, Dr.G Deshmukh Marg
Mumbai – 400 026

Respondents

(By Advocate – Mr.P Parameswaran Nair, ACGSC)

This application having been heard on 24.2.2011, the Tribunal
on the same day delivered the following:

ORDER

By Hon'ble Ms. K.Noorjehan, Administrative Member -

1. The applicant is aggrieved by the refusal on the part of the respondents to grant him employment under Compassionate Ground Appointment Scheme.

The brief facts are as follows:-

2. The applicant's father late Shri P.D Jayakumar, LDC passed away on 17.08.2006 due to cancer. The family incurred a lot of expenditure for his treatment and hence they availed loans from the Kerala State Co-operative Bank Ltd., Peroorkada Branch and Vazhuthacaud Branch, Central Government Employees & Workers Co-operative Credit Society Ltd. No.T.1413, The Co-operative House Construction & Mortgage Society T.218, State Bank of Travancore, Poojappura, Vellayani and Peroorkada Branch, The Kerala State Co-operative Bank Ltd, Statue Branchand Co-operative House Construction and Mortgage Society Ltd etc.

3. The retiral benefits received by the family were utilised for payment of the outstanding loans and there was hardly anything left for his mother's treatment who passed away on 26.08.2009 leaving behind the applicant and his younger brother aged 16 years. Immediately after the demise of his father due to the economic hardship experienced by the family, the applicant submitted a representation to the second respondent on 03.10.2006 seeking a job under compassionate Ground Appointment Scheme. Vide Annexure A-2 impugned order he was informed that the Committee did not approve his case for appointment due to lack of vacancies under the 5% Direct Recruitment quota. It was noted therein that his case was considered along with 12 applicants and was not recommended taking into account the economic status of the family, number of dependents in the family, age of the children and assets/liabilities left



by the deceased government employee, etc.. In view of rejection of his representation and the financial difficulties experienced by him he submitted one more representation in December 2009. He therefore prays for quashing the impugned orders Annexure A-1, A-2, A-3 and direct the respondents to reconsider his case for appointment on Compassionate Ground Appointment Scheme.

4. The respondents contested his claim and produced the proceedings of the Departmental Screening Committee which rejected the case of the applicant. They more or less reiterated the same reason as was given in the impugned orders for not approving his case for appointment under Compassionate Ground Appointment Scheme.

5. Heard the learned counsel on both sides and perused the documents. In the meeting conducted in 2008, vacancies of calendar years 2005, 2006 and 2007 were taken into account. There were 76 vacancies under the Group C and Group D Cadre and hence 5% of the quota came to 4 vacancies. There were 13 applications received in all against the 3 vacancies in the Group D and One in Group C cadre. A perusal of the proceedings at R 1(b) shows that out of the 3 candidates selected under the Group D cadre two are widows and the third one is the son of an ex-mazdoor. Both the widows have large families to support with minor children. In respect of the son who was selected, he has a family consisting of 6 members including 3 unmarried sisters and two unemployed brothers and his mother. Regarding the other son whose case was approved, he has three members in the family ie; his brother and sister who are mentally challenged and his mother. This candidate has to look after his mentally challenged brother and sister for life long.

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6. I do not find any infirmity in the action of the respondents in approving these 4 cases in view of their bigger family size, liabilities, number of children and comparative economic hardship. In respect of the applicant, the respondents point out that in 2008 his mother was receiving a family pension of Rs.3750 + Dearness Allowance and got retiral and other benefits for an amount of Rs.2,83,375/- . The family has 2175 sq.ft land with a dilapidated house. They have shown that the applicant as the only dependant eventhough he has averred in his O.A that he has one younger brother. They added that there was one more case which should have been approved but could not be done due to the lack of vacancies and hence it was decided to recommend the case provisionally for review in the subsequent years. In respect of the applicant such a recommendation was not made.

7. It is an un-disputed fact that the applicant had to spend a huge sum for the treatment of his parents and to take up the house construction. The applicant is an orphan with the liability of looking after his younger brother. Hence his case has to be kept alive for two more years. As per the DOPT's guidelines the candidates can be considered for 3 years as the number of vacancies available is negligible during a single calendar year. Accordingly, the respondents are directed to reconsider his case when the Screening Committee Meeting is scheduled in the years 2011 or 2012 as per the availability of vacancies. Ordered accordingly. No costs.

(Dated this the 3rd day of March, 2011)


(K. NOORJEHAN)
ADMINISTRATIVE MEMBER

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