

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Date of decision: 7-7-1993

Original Application No.167 of 1993

CH Badhuvankunchi - Applicant

M/s PK Muhammed & Sivadas OO - Counsel for the applicant

v.

1. The Director,
Central Plantation Crops Research
Institute, Kasaragod-670 124,
Kerala.

2. Senior Administrative Officer,
Central Plantation Crops Research
Institute, Kasaragod, Kerala-
670 124.

3. Union of India,
represented by the Secretary,
ICAR, Krishi Bhavan,
New Delhi-110 001.

- Respondents

Mr UP Kunhikulaya - Counsel for the respondents

CORAM

HON'BLE MR N DHARMA DAN, JUDICIAL MEMBER

HON'BLE MR R RAJAGOPAL, JUDICIAL MEMBER

JUDGEMENT

N Dharmadan, Judicial Member

This application has been filed under Section 19 of the Administrative Tribunals Act challenging Annexure-D order passed by the Senior Administrative Officer rejecting the request for a compassionate appointment.

2. The applicant, the son of deceased CH. Mohammed, who died on 19.10.1984 while working as Supporting Staff Grade-I (Mazdoor) in Central Plantation Crops Research Institute,

Kasaragod was a minor at that time. His mother approached the authorities for getting financial assistance by granting appointment on compassionate grounds. According to the applicant, the respondents have promised to give a compassionate appointment for the applicant on attaining maturity. On attaining maturity, the applicant also requested for a compassionate appointment. The request was not favourably considered, but as per the impugned order Annexure-D an amount of Rs.5000/- was sanctioned and paid to the mother of the applicant 'towards compassionate fund'. It was made clear in the order that no compassionate appointment can be granted to the applicant as claimed in the O.A. When a further request was filed by applicant's mother for same relief, it was also rejected as per Annexure-E order.

3. Respondents have filed a detailed reply denying all the averments and allegations in the O.A. On the death of the father of the applicant, the following benefits were granted to the family of the deceased Government employee.

- | | |
|-------------------------|-------------|
| 1. DCRG(Death) gratuity | Rs.1,741.70 |
| 2. Group Insurance | Rs.5,000.00 |
| 3. GPF Balance amount | Rs.609.00 |
| 4. Monthly Pension | Rs.80.00 " |

It is further stated that when the matter of grant of compassionate appointment was referred to the Committee, the Committee felt that a grant of Rs.5000/- as ex-gratia out of fund to the widow of late Mohammed would satisfy the requirements and the said amount has already been granted to the applicant's mother. After receiving the said amount, the applicant is not entitled to get further appointment on

compassionate ground. If it is allowed it would amount to granting of a double benefits on compassionate ground.

4. On a careful consideration of the contentions raised in this O.A. and the statements in the reply statement, I am not inclined to accept the contention of the applicant for grant of compassionate appointment in the back ground of the facts stated by the respondents in the reply. The impugned order specifically states that an amount of Rs.5000/- was sanctioned and paid to the mother of the applicant, taking into consideration the indigent circumstances of the family. This is not denied by the applicant. The very purpose of grant of compassionate appointment is to give financial assistance to the family of the deceased Government employee to get over the indigent circumstances created on account of the untimely death of the Government servant leaving the family in indigent circumstances. In the instant case, the Department had considered the circumstances of the family and granted financial assistance. After accepting the same without any objection, further claim for appointment cannot be made. Since the said financial benefit has already been received by the family as indicated above, the applicant has no further right to claim appointment. I am of the view that the applicant has no genuine grievance.

5. In this view of the matter, I do not find any substance in the O.A. which is to be rejected. I do so. No costs.

N. N. Dharmanand
(N DHARMADAN)
JUDICIAL MEMBER
7.7.1993

List of Annexures

1. Annexure-D : True copy of communication sent by respondent-2 to the applicant's mother dated 7.11.1990
2. Annexure-E : True copy of communication sent by respondent-3 to the applicant's mother dated 25.11.1992