

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 171 of 91 99  
~~XXXXXX~~

DATE OF DECISION 18-3-92

V. SREELAKSHMI

Applicant (s)

Shri G. Sasidharan Chempazhathivil

Advocate for the Applicant

Versus

Regional Provident Fund Commr.

Pattam, Triyandrum and 2 others Respondent (s)

Mr. V.V. Sidharthan

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V. Krishnan, Member (Administrative)

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

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
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, M(J)

This is an application filed by the only daughter of a deceased government servant for compassionate appointment.

2. According to the applicant at the time when the mother of the applicant, govt. employee, died in harness on 23-4-78, at the age of 43, the applicant was a child. When she attained the age of majority, she applied for compassionate appointment on the ground that her father has remarried and is not looking after her. She is in <sup>an</sup> acute financial difficulties. The

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department, on receipt of the above request for compassionate appointment conducted an enquiry through an Enforcement Officer, who submitted the report at Annexure-R.I. The report revealed that the applicant was residing with her step mother but she is in difficulties. Hence the case of the applicant was recommended to be a deserving one for granting compassionate appointment. On the basis of Annexure-I, Regional Provident Fund Commissioner, also gave his views favourable to the applicant in his letter to the Central Provident Fund Commissioner, New Delhi. However, the requests for compassionate appointment were turned down by the Central Provident Fund Commissioner, by Annexure-VI and VII orders. The applicant is challenging these orders on the ground that her request has not been considered by the authorities in the light of the guidelines issued by the Govt. in regard to compassionate appointment, at Annexure-IX memorandum. The applicant also submitted that Annexure-X representation dated 2-1-90 submitted before the Govt. has not been disposed of so far.

3. The respondents have filed counter affidavit and submitted that even though there are recommendations from Regional Provident Fund Commissioner, the competent authority has considered the matter and found that the applicant is not eligible for compassionate appointment. According to them orders at Annexures VI and VII are valid and legal. The learned counsel for the applicant filed rejoinder and submitted that the applicant's father divorced his second wife i.e. the step

mother of the applicant and he married again for the third time and he is living separately with that wife away from the residence in which the applicant is at present residing. He is not looking after the applicant, his daughter, at present. The applicant submits that she has attained the age of 21 and the family pension which she was drawing will not be stopped very soon and she is left with no other alternative but to approach the authorities for compassionate appointment since there is nobody to look after her affairs.

4. Having heard the matter on both sides, and having gone through the documents carefully, we are of the view that the applicant's case requires to be re-examined in the light of the later developments as indicated by the applicant in her rejoinder particularly when her father contracted a third marriage and is staying away from the applicant's residence. Reconsideration of applicant's right is necessary under the above circumstances and ~~on~~the basis of the report of the Enforcement Officer and in the light of the averment that identical cases for compassionate appointment were considered by the authorities <sup>similar</sup> in the ~~earlier~~ circumstances.

5. In the result, we are of the view that this application can be disposed of with suitable direction. Accordingly, we direct that the applicant may file a detailed representation through <sup>the</sup> respondent, <sup>4</sup> before the 3rd respondent/with all details of her present position viz. financial condition, family condition and also identical cases decided by the Regional Provident Commissioner.

This shall be done within two weeks from the date of receipt of copy of this judgment. We further direct that, if such a representation is submitted by the applicant to the third respondent through the first respondent, the third respondent should dispose of the same in accordance with law, keeping in view the new developments which took place in the recent <sup>in the history of</sup> past ~~and~~ the observations made in this judgment. The third respondent should dispose of the said representation within a period of 4 months from the date of receipt of the representation.

6. Accordingly, the Original Application is disposed of.

However, in the circumstances, we make no order as to costs.



18.3.92

(N. Dharmadan)  
Member (Judicial)



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(N.V. Krishnan)  
Member (Administrative)

18-3-1992

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