

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 182 OF 2008

Monday, this the 15th day of December, 2008.

CORAM:

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

K.J.Sreejith
Plavila Puthen Veedu
Venpakal, Aralummood
Trivandrum

... Applicant

(By Advocate Mr. C.S.Manilal)- not present

versus

1. Union of India represented by the
Secretary to Government
Department of Posts
Dak Bhavan, New Delhi - 110 001
2. Director General
Department of Posts
New Delhi
3. Chief Postmaster General
Kerala Circle
Trivandrum

... Respondents

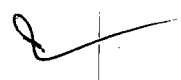
(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

The application having been heard on 15.12.2008, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Mr. GEORGE PARACKEN, JUDICIAL MEMBER

This OA was filed under Section 19 of the Administrative Tribunal's Act, 1985 by Shri K.J.Sreejith, son of late Shri M.Karunakaran, a Group 'D' employee with the 3rd respondent, viz., Chief Postmaster General, Kerala Circle, Trivandrum who died while in service on 04.09.1996. According to the applicant, after the death of his father, his family was left without any income to survive as their only possession is the 13 cents of non agricultural land with a house thereupon. Initially, the applicant's mother made the annexure A-1 representation dated 14.12.1996 to the 3rd respondent to provide appointment



on compassionate grounds to the applicant. Since no response was received from the respondents, she made the Annexure A-8 reminder dated 02.03.1998. Thereafter, the Annexure A-9 representation dated nil was made by the applicant himself. As the 3rd respondent did not respond to any of these representations, the applicant's mother made the Annexure A-10 representation dated 23.02.1998 to the 2nd respondent with the request to appoint the applicant in relaxation of the normal Recruitment Rules. Thereafter, she received Annexure A- 11 letter dated 27.03.1998 from the Superintendent of Post Offices, Trivandrum stating that the aforesaid representation dated 02.03.1998 was forwarded to the Director General, Department of Posts, New Delhi. Since there was no further positive response, the applicant's mother made a mercy petition No.KJS/2003(Annexure A-14) to the Hon'ble Minister for Communication, New Delhi. By Annexure A-12 letter dated 19.01.2005, the assistant Director in the Office of the Chief Postmaster General, Kerala Circle, Trivandrum, informed the applicant's mother that the said mercy petition was also forwarded to the Director General, Department of Posts, New Delhi. Again, she had sent letter dated nil (Annexure A-13) to the 3rd respondent and representation dated 14.04.2005 to the Secretary, Department of Posts, Dak Bhawan, New Delhi (1st respondent) By Annexure A-15 letter dated 21.04.2005 the applicant was again informed that the said representation dated 14.4.2005 was also forwarded to the Secretary, Department of Posts, Dak Bhawan, New Delhi.


2. The first prayer of the applicant in this OA is to direct the respondents to pass a final order on the representations dated 02.03.1998 (supra) and 14.04.2005 (supra). The other prayer is to direct the respondents to pass final order on the Annexure A1 representation dated 14.12.1996, Annexure A-8 representation dated Nil, Annexure A-9 representation dated Nil and Annexure A-10 representation dated 23.02.1998.



3. Respondents in their reply has submitted that the request of the applicant for compassionate appointment was examined by the Circle Relaxation Committee on 24.10.1997, but his case was not recommended as the family was not found to be in indigent circumstances to warrant consideration for compassionate appointment under relaxation of rules. While arriving at such a conclusion, the Circle Relaxation Committee considered the facts that the applicant's mother is employed as Government PD Teacher and the family also owns 13 cents of land with a house thereon. An amount of Rs.75,985/- was also paid to the family of the deceased as terminal benefits.

4. I have perused the documents available on record and heard Mr.M.L.George on behalf of Mr.TPM Ibrahim Khan, SCGSC Immediately after the death of the applicant's father on 04.09.1996 the application dated 14.12.1996 for compassionate appointment was made by the applicant's mother. The Circle Relaxation Committee has considered the case of the applicant at its meeting held on 24.10.1997, but they have not found him to be the most deserving candidate for granting employment on compassionate grounds. While reaching the said conclusion the Circle Relaxation Committee has taken into consideration that the applicant's mother is employed and family owns about 14 cents of land with a house. They also considered the fact that there is no minor in the family.

5. The appointment on compassionate ground is to be made within 5% of the direct recruitment vacancies ear-marked for that purpose. The Department has to consider the financial situations of all the applicants who have applied for compassionate appointment in a year. Considering the fact that the number of vacancies available for appointment under this category are very limited, the recommending body would recommend only the most deserving cases. In this case the Circle Relaxation Committee which is the competent



authority to consider the requests for appointment on compassionate ground has considered the case of the applicant along with others and came to the conclusion that the applicants case is not the most deserving case compared to some other claimants particularly in view of the fact that the mother of the applicant was already employed. Moreover, Compassionate appointments are given in relaxation to the general rules of appointment to help the family of the deceased to tide over the immediate extreme penury situation arisen on the death of the government servant. The applicant's father passed away on 4.9.1996 and he has approached this Tribunal only after nearly 12 years. The applicant's mother and the applicant were making repeated representations to different authorities. I, therefore, do not find any reasons why this Tribunal should interfere with the conclusion of the Circle Relaxation Committee that the family of the deceased Government servant has not been in such a penury situation warranting appointment of the applicant on compassionate grounds at this belated stage. This OA is therefore dismissed. There shall be no order as to costs.

Dated, the 15th December, 2008.


GEORGE PARACKEN
JUDICIAL MEMBER

vs