

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 200/98

Wednesday the 1st day of July 1998.

CORAM

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR S.K.GHOSAL, ADMINISTRATIVE MEMBER

N.K.Pradish
S/o Late P.R. Narayanan Kutty
C-58 CPWD Quarters
Kochi - 30

...Applicant

(By advocate Mr P.N.Purushothama Kaimal)

Versus

1. Senior Audit Officer
(Administration) Indian Audit
and Accounts Department
Office of the Accountant General (Audit)
Kerala, Trivandrum.

2. Accountant General (Audit)
Kerala, Indian Audit and
Accounts Department, Office
of the Accountant General (Audit)
T.B.No.5608
Thiruvananthapuram

...Respondents.


(By advocate Mr Thomas Mathew Nellimeottil)

Application having been heard on 1st July 1998,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

This application is directed against an order dated 3.12.97 (A-5) of first respondent turning down the claim of the applicant for employment assistance on compassionate grounds. Applicant is second son of deceased Narayanan Kutty who while working as Senior Auditor died on 7.11.94 leaving behind, apart from the applicant, another son, a daughter and his widow. The claim of the applicant for employment assistance on compassionate grounds was turned down by the impugned order. The applicant has alleged that the impugned order is bereft of application of mind.



2. Respondents resist the claim of the applicant on the ground that as the applicant's mother is a Section Supervisor in the office of the General Manager, Telecom Ernakulam, drawing a salary of Rs. 4086/- and as the family is in receipt of family pension, it cannot be held that the family has been thrown into indigence on the death of Shri Narayanan Kutty.

3. On a perusal of the pleadings and after hearing the learned counsel, we find no reason to interfere with the impugned order. Compassionate appointment cannot be claimed as a matter of right in every case where an employee dies in harness. The benevolent intention behind the Scheme for compassionate appointment in the case of death in harness is to help the family which has been thrown to extreme poverty on account of sudden demise of its bread-winner to survive. If the family is not thrown to indigence, compassionate appointment is neither warranted nor justified. In this case, the applicant's mother is a Section Supervisor of Telecom Department getting more than Rs. 4000/-p.m. as pay. The family is getting family pension. Including the applicant and his employed mother, there are only four members in the family. The above situation does not present an extreme ~~indigent~~ situation. Therefore, we find no merit in this application. Therefore, the application is dismissed. No order as to costs.

Dated 1st July 1998.


(S.K. GHOSAL)
ADMINISTRATIVE MEMBER


(A.V. HARIDASAN)
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure A5: Order issued from Office of the Accountant General, Trivandrum No.Au/Admn.III/5-2(a) Vol.II/336 dated 3.12.97.

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