

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A No. 201/07

Wednesday this the 31st day of October, 2007

CORAM

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

Sudheendra Kumar M.
aged 35 years, S/o late M.Balan,
Gandhi Colony, Room No.21,
Karaparamba PO,
Kozhikode-673010.

....Applicant

(By Advocate Mr.P.V.Kunhikrishnan)

V.

- 1 Union of India, represented by the
Secretary, Ministry of Communications,
New Delhi.
- 2 The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
- 3 The Senior Superintendent of Post Offices,
Calicut Division,
Calicut.673002.

....Respondents

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

This application having been finally heard on 10.10.2007, the Tribunal
on 31.10.2007 delivered the following:

ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The grievance of the applicant in this O.A is against
Annexure.A2 letter from the Respondent No.3, namely, the Senior
Superintendent of Post Offices, Calicut Division conveying the decision of
the Respondent No.2, namely, the Chief Post Master General, Kerala
accepting the recommendation of the Circle Relaxation Committee's finding


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that the case of the applicant for compassionate appointment has been rejected.

2 The facts in brief are that the applicant's father late M.Balan while working as Higher Grade Postal Assistant, Calicut HPO died in harness on 15.7.1999. The applicant is the elder son of deceased employee. His mother who was a Mazdoor in the Telecom Department, pre-deceased his father in 1994. He is 35 years old, unemployed and married with two minor children. He belongs to the Scheduled Caste Community (Paraya). His father had only 5 cents of land at Karaparamba, a water clogged area. He made an application for compassionate appointment which was placed before the Circular Relaxation Committee (CRC for short) at its meeting held on 5.2.2001. While conveying the decision of the CPMG accepting the recommendation of the CRC to reject his case for compassionate appointment, the respondents have stated in the impugned Annexure.A2 letter as under:-

"The purpose for appointment on compassionate ground is intended to render immediate assistance to the family of the Government servants who dies in harness or retire on invalidation on medical ground leaving his family in indigent state. Such appointments can be provided only to fill up to 5% of vacancies that arise for direct recruitment. Consequently, it became essential to ensure that only more deserving cases are approved as per the purpose stipulated for the scheme of such compassionate appointment."

3 I have heard Ms.Angel Treena counsel for the applicant and Ms.Jisha representing SCGSC. I have also perused the minutes of the Circle Relaxation Committee Meeting held on 5.2.2001 in which the applicant's case was also considered. It is noticed that 61 cases for compassionate ground appointment were considered by the CRC in its meeting held on 5.2.2001 against 27 vacancies earmarked for the purpose



in the year 2001. The fact is that when the number of vacancies in a year for compassionate appointment are limited and claimants for them are comparatively very large, the respondents have the onerous responsibility of identifying the most deserving candidates. The respondents have stated in their reply that certain pre-determined criteria have been followed. Moreover, it is seen that the applicant has not challenged the decision of the competent authority rejecting his claim for appointment on compassionate grounds on the recommendations of the CRC meeting held on 5.2.101 for the last seven years. The reason given by the applicant that he had made several representations against Annexure.A2 decision of the competent authority cannot be accepted for the well settled principle that repeated unsuccessful representations will not enhance the period of limitation. The Apex Court has held in a recent judgment dated 17.7.06 in *Civil Appeal No.6642/04, State of J&K and others V. Sajad Ahmed Mir* as under:

"11Once it is proved that in spite of the death of the breadwinner, the family survived and substantial period is over, there is no necessity to say "goodbye" to the normal rule of appointment and to show favour to one at the cost of the interests of several others ignoring the mandate of Article 14 of the Constitution."

4 In the above facts and circumstances of the case and also in view of the aforesaid judgment of the Apex Court, this O.A is dismissed both on merits as well as on delay. There shall be no order as to costs.

Dated this the 31st day of October, 2007.


GEORGE PARACKEN
JUDICIAL MEMBER