

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. NO. 202/2002

WEDNESDAY, THIS THE 25TH DAY OF AUGUST, 2004.

C O R A M

HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

Anitha Suresh W/o late C.R. suresh  
Mini vihar, Hill Palace  
Tripunithura.

Applicant

By Advocate Mr. T.C. Govindaswamy

Vs.

1. Union of India represented by  
the Secretary to Govt. of India  
Ministry of Defence  
New Delhi.
2. The Chief of Naval Staff  
Naval Headquarters  
New Delhi.
3. The Flag Officer Commanding in Chief  
Headquarters  
Southern Naval Command  
Cochin-682 004
4. The Secretary to the Govt. of India  
Department of Personnel & Training  
New Delhi.
5. Joint Secretary (Administration)  
Ministry of Defence

Respondents

By Advocate Mr. C. Rajendran SCGSC

The Application having been heard on 14.6.2004 the Tribunal  
delivered the following on 25.8.2004.

O R D E R

HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

The applicant Anitha Suresh widow of late C.R. Suresh a Control Fitter of Naval Ship Repair Yard, Cochin is before us seeking the quashing of A1 orders rejecting her application for compassionate appointment on her husband's death on the ground of lack of jurisdiction and non-application of mind, of A2 orders enunciating a scheme for compassionate appointment under the Ministry of Defence

*H. P. D.*

laying down the criteria for ascertaining the economic status of the family and of paragraph 7(b) and 7(c) of A3 to the extent it states that compassionate appointment can be made only upto a maximum of 5% of vacancies falling under the direct recruitment quota. She is also seeking a direction from us to the respondents to consider her for compassionate appointment in disregard of the rules and orders she considers repugnant to the spirit of the scheme. The contention of the respondents is that her application for compassionate appointment, on the death of her husband (on 6.12.2000) was considered by a Board of Officers in accordance with the procedures established. The Board did not find her to be deserving compassionate appointment and hence A1 orders were issued rejecting her application. Under the A2 orders a hundred point scale was introduced to measure the level of indigence of the family and the applicant's family was found to be well above the minimum poverty line drawn at Rs. 1767.20 for a family of five. She was in receipt of a family pension of Rs. 1798 p.m. in addition to the terminal benefits received lumpsum, while the family consisted of herself and an infant child.

2. Heard. I do not see any lack of jurisdiction in the issue of the A1 orders, as the Chief Staff Officer has issued these orders on behalf of the Flag Officer Commanding-in-Chief. The orders are well reasoned and there is no evidence of any non-application of mind. A2 orders are perfectly reasonable in as much as they fill a hitherto existing gap in regard to the availability of criteria for measurement of the level of indigence. A3 orders are not

11.12

assailable merely because they do not suit the fancy of the applicant. The grounds on which the applicant is challenging these orders are far fetched, misconceived and therefore off the mark. For instance, the applicant is making an issue of the limit of 5% of DR quota for compassionate appointment or for that matter she is holding that the criteria for measuring indigence are incomplete as these do not take into account the needs of the family, or that the vacancies for compassionate appointment be computed across various Departments for the whole of the Government. We are not here to join issue with the applicant or to go into the theoretical trappings of the economics of poverty. We are here to see if any of the material rights of the applicant arising within the parameters of rules and procedures have been denied to her, leaving the question of challenge to procedures open only in exceptional rare circumstances when these procedures militate against the notions and principles of natural justice espoused by judicial systems and enshrined in the fundamental laws of the land. The applicant has no such case. She is neither the most deserving one nor has a less deserving one been favoured at her expense. Abstract rights, conceived abstractly in the domain of an applicant's self interest are at best wishful conjectures, incapable of mustering even an iota of our sympathy in the best of circumstances.

3. In the result, I dismiss the application, leaving the parties to bear their own costs.

Dated the 25th August, 2004.

  
H.P. DAS  
ADMINISTRATIVE MEMBER

kmn