

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

DATED THURSDAY THE TWENTYFIFTH DAY OF MAY  
ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI S. P. MUKERJI, VICE CHAIRMAN

&

HON'BLE SHRI G. SREEDHARAN NAIR, JUDICIAL MEMBER

O.A. No. 233/87

A. Achuthan

Applicant

Vs.

1. Union of India represented by the  
Secretary to Ministry of  
Telecommunications, New Delhi
2. Director General, Postal  
Directorate, New Delhi
3. Post Master General,  
Kerala Circle, Trivandrum and
4. Superintendent of Post Offices,  
Tirur Division, Tirur,  
Malappuram District

Respondents

M/s. M. K. Damodaran,  
P.V. Mohanan,  
V. K. Mohanan &  
Johnny Sebastian

Counsel for the  
applicants

Mr. K. Karthikeya Panicker, ACGSC

Counsel for the  
respondents

ORDER

Shri G. Sreedharan Nair

The applicant, a Lower Selection Grade Clerk  
in the Postal Department, applied for retirement on  
invalidation vide the application presented on 5.3.1984.

By the order dated 16.10.1984, he was permitted to retire from service on invalidation with immediate effect. On 30.10.1984, he submitted an application requesting that his daughter Shyamala may be considered for appointment as Postal Assistant on compassionate ground. The request was turned down as the applicant had crossed the age of 55 at the time of retirement. The applicant prays for quashing the aforesaid order and for a direction to the respondents to grant employment to his daughter.

2. In the reply filed on behalf of the respondents it is stated that according to the O.M. dated 18.3.1982, the concession of appointment of near relatives of Government servant, retired on medical grounds cannot be extended to cases where the retirement was on or after the attainment of the age of 55. It is pointed out that the applicant had completed 55 years on 29.6.1984, and that he retired only on 20.10.1984, and as such, the request was rightly rejected.

3. The claim put forward by the applicant is for appointment of his daughter in relaxation of the Recruitment Rules and on compassionate ground. As such, it cannot be countenanced only if the requirements of the O.M. dated 18.3.1982 issued by the Department of Personnel and A. R. relating to the appointment of dependents of

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Government servants in Group 'C' and 'D' posts, who are retired on medical grounds under Rule 38 of the CCS (Pension) Rules, 1972, are applicable. A reading of the O.M. reveals that its object is to alleviate the hardship that may be caused to the family of a Government servant who retires prematurely, if such retirement will drive the family to be in indigent circumstances. Evidently, it is an extension of the benefit that is granted to a Government servant who dies in harness. According to the O.M., the concession should not be extended to cases where the Government servant has retired on or after attaining the age of 55 years. It is with a view to restrict the benefit of the concession to really deserving cases that such a limitation has been imposed. Retirement on invalidation can very well be sought towards the fag end of the service of a Government servant. A Government servant retiring on medical grounds is allowed pension and pensionary benefits, while in the case of a Government servant ~~dying~~ in harness, his family is eligible only for family pension. The object of the extension of the benefit of appointment of dependent on compassionate ground to Government servants retiring on medical grounds is really to help those Government servants who are forced

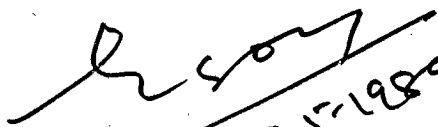
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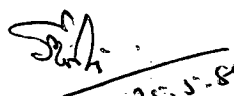
to leave service substantially prematurely, in view of medical invalidation. Hence, the prescription of the age limit of 55 years is quite rational and has <sup>a</sup> really nexus ~~with~~ the object that is sought to be achieved.

4. It is not in dispute that the applicant had crossed the age of 55 years on 29.6.1984 and that he retired only on 20.10.1984. No doubt, he had preferred the application for retirement on 5.3. 1984. But that is not sufficient to attract the benefit of the O.M. On the application made, the respondents have taken the necessary steps; there is no case for the applicant that there was any deliberate ~~for~~ wanton delay on their part in processing the same.

5. It follows that the respondents cannot be faulted in rejecting the request of the applicant for appointment of his daughter on compassionate ground.

6. The application is dismissed.

  
25-5-1989  
(G. Sreedharan Nair)  
Judicial Member  
25.5.1989

  
25-5-89  
(S. P. Mukerji)  
Vice Chairman  
25.5.1989