

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 233/2009

Tuesday this the 25th day of August, 2009.

C O R A M

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

Reena Mustafa
Zam Zam Cottage
Palace Ward
P.O. Kayamkulam-690 502

.. Applicant

By Advocate Mr. P. M. Poulose

Vs.

- 1 The Director
Central Plantation Crops Research Institute
Post Kudlu
Kasaragod
- 2 The Director General
Indian Council of Agricultural Research Centre. Respondents

By Advocate Mr. T.P. Sajan

The Application having been heard on 26.8.2009, the Tribunal on the same day delivered the following

O R D E R

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant, a married daughter of a deceased employee seeks appointment on compassionate ground.

- 2 The applicant is the only daughter of late M. Arifa Kunju who died on 15.5.1996 while working as Junior Technical Assistant in the CPCRI. At the time of the death of the employee, the applicant was only sixteen years old. She was dependent on her mother. After the death of her mother,

her father remarried and deserted her. The applicant was looked after by the relatives. On becoming major, she submitted applications one after another, to the authorities for appointment under compassionate ground. As directed by the authorities she submitted application on 5.7.2001 (A-3). The grievance of the applicant is that the 1st respondent rejected her application as the Committee did not recommend her name for appointment finding her condition not indigent and distressing when compared to other applicants and the fact that she is married and depending on her husband. The applicant is aggrieved by the rejection order on the grounds that she is entitled to be appointed on compassionate grounds, her husband is unemployed and the family consists of her husband, child and parents of her husband. Hence she filed this O.A. to quash Annexure A-4 and to appoint her under Dying in Harness Scheme.

3 The respondents in their reply statement submitted that the claim of the applicant was considered on merit and rejected on the recommendation of the Committee that her case was not indigent and distressing compared to other applicants and that she is already married and depended on her husband. They have also argued that the O.A. is barred by limitation and that the delay has not been properly explained by the applicant.

4 Heard learned counsel for the parties.

5 The challenge in this Application is against the rejection of the application for appointment on compassionate ground. There is no dispute that at the time of death of the employee, the applicant was only sixteen years old. The applicant had applied for compassionate appointment in the prescribed proforma only in July 2001. Her application was considered along with sixteen other applications. On scrutiny of the application, it was found that she was not facing severe economic hardship as compared to other

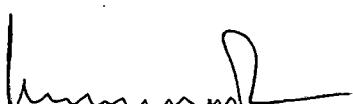
applicants, that she is married and now depending on her husband, there is no emergent situation as envisaged under the scheme. Hence, the Committee did not recommend her case. Accordingly, on the basis of the recommendation of the Committee, the respondents rejected her application. Admittedly there is a delay of 1552 days in filing the O.A. There is no cogent reason explained for condoning the long delay. Therefore, the Application is barred by Limitation Act.

6 On merit, we are unable to find fault with the action of the respondents. The compassionate appointment scheme is envisaged for extending immediate financial help to indigent families on the sudden demise of the bread earner. In this case, the applicant was a minor at the time of death of the employee and when she applied in 2001 she was married and dependent on her husband. Therefore, keeping in mind the overall financial benefit received by the applicant and on comparative merit, her case was rejected.

7 In this view of the matter, the O.A. is dismissed on delay as well as on merits. There shall be no order as to costs.

Dated 25.8.09


K. NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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