

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. No. 252/97

Wednesday this the 13th day of August, 1997.

CORAM

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

HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. Beatrice Antony, W/o late Antony,  
Kurisingal House, Kandakadavu PO,  
Puthenthodu, Kochi.8.
2. Albert Antony, S/o late Antony  
Kurisingal House, Kandakadavu PO,  
Puthenthodu, Kochi.8. .... Applicants

(By Advocate Mr. A.X. Varghese (represented))

Vs.

1. The Zonal Director,  
Fisheries Survey of India,  
Base Office, Kochangady,  
Kochi.5.
2. Senior Administrative Officer,  
Government of India,  
Fisheries Survey of India,  
Botawala Chambers,  
Sir P.M. Road, Bombay.1. ... Respondents

(By Advocate Mr. Mathews J Nedumpara, ACGSC (represented))

The application having been heard on 13.8.1997, the  
Tribunal on the same day delivered the following:

O R D E R

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

The first applicant is the widow and the second  
applicant is the son of one Shri K.A. Antony, who  
according to the applicants had served the respondents  
for about 20 years from the year 1960 to 1980 continuously.  
Thereafter Shri Antony was sick and subsequently on  
31.12.1991 he expired leaving behind the applicants  
and four other children. The second applicant was given  
a temporary job for about two months in the first respondent's

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office in the year 1993. Thereafter he was not engaged. The first applicant in 1993 made a representation to second respondent requesting for employment assistance to the second applicant on compassionate grounds. The second respondent by letter dated 24.3.94 stated that any request should be made to the 1st respondent by the second applicant, as Shri Antony was rendering service under him. Pursuant to that a request was made for employment assistance on compassionate grounds but without success. Under these circumstances the applicants have jointly filed this application praying for a direction to respondents to absorb the second applicant in any available post at the earliest under the dying in harness scheme.

2. The respondents resist the claim of the applicants on the ground that Shri K.A.Antony, the deceased father of the second applicant was not a regular employee under the respondents, that on search of records it is seen that he has been engaged for a few days for casual work and that the scheme for compassionate appointment does not provide for giving employment assistance to dependents of deceased casual labourers.

3. With a view to get at the real facts of the case and the real nature of engagement of the/applicant's late father we directed the competent authority to file an affidavit. An affidavit has been filed by Shri K.Gopalakrishnan, Zonal Director, Cochin Base of Fishery Survey of India, the first respondent, in which it has

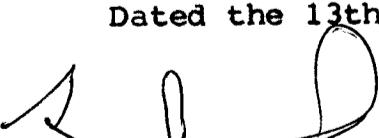
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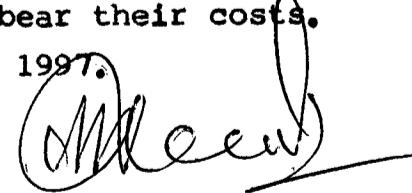
been very clearly mentioned that the second applicant's father Antony has not served the first respondent as a regular employee and that his engagement for a few days was in the year 1980-81 on a casual basis.

4. We have heard the learned counsel on either side and perused the documents available on record. The learned counsel for the applicants argued that the respondents have not produced any tangible evidence to show that Shri Antony ~~was~~ was a casual labourer and that it is not possible to conceive that a person worked as a casual labourer for over two decades. The answer to this argument is contained in Annexure.R1(a), a document to which the second applicant himself is a party. R.1(a) is an application made by the second applicant for employment assistance in which the nature of employment of Shri K.A.Antony, his father was shown as casual service. The applicant's father K.A.Antony was even according to the applicant xxxx in casual service upto the year 1980. Thereafter he never worked and died in the year 1991. It is therefore clear that Sh. Antony was not in harness when he died. Secondly the claim for employment assistance is applicable to the family of the Government servants or employees of the Corporation or Undertakings wholly controlled and funded by the Government of India. The applicants late husband/father was not an employee at the time of his demise. Therefore, we do not find any merit in this application which is dismissed leaving the parties to bear their costs.

Dated the 13th day of August, 1997.

  
S.K. GHOSAL  
ADMINISTRATIVE MEMBER

/ks/

  
AV. HARIDASAN  
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure R-1 (a): A photo copy of the application for compassionate appointment dated 14.6.1994.

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