

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.255/2001

Wednesday, this the 21st day of March, 2001.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

P.B.Usha,
Unskilled Labourer,
Naval Store Depot,
Naval Base, Cochin-4. - Applicant

By Advocate Mr Shafik M.A.

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1. Union of India represented by Secretary, Ministry of Defence, New Delhi.
2. The Chief of Naval Staff, Naval Headquarters, New Delhi.
3. The Flag Officer Commanding-in-Chief, Staff Officer(Civilians), Southern Naval Command, Naval Base, Cochin-4.
4. The Administrative Officer(Grade-II), Staff Officer(Civilians), Southern Naval Command, Naval Base, Cochin-4.

The application having been heard on 21.3.2001, the Tribunal on the same day delivered the following:

ORDEN

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

The applicant was appointed on compassionate grounds as an Unskilled Labourer(Group'D') with effect from 3.1.89 on her father having retired on medical unfitness. The applicant was a Matriculate with Typewriting qualification and was eligible to be appointed as Lower Division Clerk (LDC for short). She was told that there was no post in Group'C' available for giving her appointment on compassionate ground.

and therefore, the offer of appointment in Group 'D' was accepted. Now coming to know from the seniority list of LDC published on 30.6.99, that there were vacancies in Group 'C', the applicant made a representation seeking that she should be deemed to have given appointment as LDC from the date of her appointment on a Group 'D' post. That representation was turned down by the impugned order A-2 dated 20.12.2000 wherein the respondents have made it clear that there was no vacancy to accommodate the applicant, that till 1990 compassionate appointment was being made in Group 'C', irrespective of availability of vacancies that the appointees were continuing on casual basis and they were regularised from 1986-87 onwards. The claim of the applicant that despite having the posts of LDC which could have been offered on compassionate ground, the applicant was appointed on a Group 'D' post is incorrect, state the respondents. Aggrieved by this, the applicant has filed this application. It is alleged in the application that the applicant having possessed all the requisite qualification for appointment as an LDC (a Group 'C' post) and as there has been vacancies in that grade, as is evident from A-4, the action on the part of the respondents in not offering the post of LDC to the applicant and not considering the representation to treat her appointment as LDC from the date of her original appointment is arbitrary and irrational.

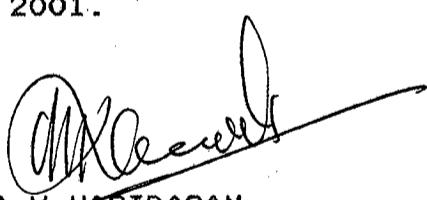
2. We have with meticulous care gone through the application and the material placed on record and have heard the learned counsel on either side.

3. The object of the scheme for grant of compassionate appointment is to enable the families of Government Servants dying in harness to survive the extreme indigence and poverty to which the families are thrown on account of unexpected demise of their bread winner and not to provide suitable job commensurate with the qualification of each dependent of a Government servant dying while in service. Therefore, there is no enforceable claim for the applicant to claim any particular job. It is evident from the impugned orders that a group 'D' post was offered to the applicant as at that time only such post was available to be filled up on compassionate appointment. We do not even prima facie find any infirmity with the impugned orders.

4. Under these circumstances, we do not find anything in this application which calls for admission and further deliberation. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, the 21st March, 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-2: True copy of the order CS/2809 dated 20.12.2000 issued by the 4th respondent.
2. A-4: True copy of the relevant extract of the seniority list of LDCs as on 30.6.99 published by the 3rd respondent.