

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 260 of 1999.

Wednesday this the 3rd day of March 1999.

CORAM:

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

A. Bineesh,
Kuchal House, P.O.,
Ponniyam East,
Chundangapoyil,
Thalasserry. .. Applicant

(By Advocate Shri C.P. Peethambaran)

Vs.

1. The Chief General Manager,
Telecommunications,
Kerala Circle, Thiruvananthapuram.
2. The Director, Department of
Telecommunications, New Delhi. .. Respondents.

(By Advocate Ms. Chitra Sunil, ACGSC)

The application having been heard on 3rd March, 1999,
the Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to set aside A-3 order and to direct the respondents to appoint him in any suitable post under the first respondent at the earliest.

2. The applicant states that his father Shri Mukundan while working as Senior Inspector under the respondents died on 23.12.93. His representation for compassionate appointment was rejected as per impugned order A-3 which does not contain any reason for its rejection. It is pertinent to note that even prior to the representation of the applicant on which the impugned order A-3 was passed, the applicant had made another

representation and the same was rejected on the ground that the High Power Committee of the Telecom Directorate has considered his case and found not eligible for appointment on compassionate ground considering the financial resources and size of the family. The same reason is stated in A-3 also. It is not a case of rejecting the representations of the applicant without assigning any reason.

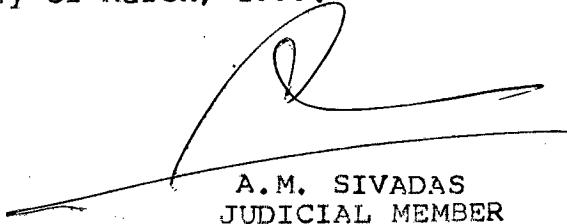
3. It is the admitted case of the applicant that his father died in the year 1993. This application is filed after a lapse of six years. There is no vested right to get an appointment on compassionate ground. If the family members of the deceased employee can manage for a considerable period after his death, one of his legal heirs cannot put forward a claim as though it is a line of succession by virtue of a right of inheritance. The object of the provisions should not be forgotten that it is to give succour for the family to tide over the sudden financial crisis befallen the dependents on account of the untimely demise of its sole earning member. The object is not to give a member of such family a post much less a post held by the deceased.

4. Though in the Original Application it is not specifically stated whether there was any earning member at the time of the death of the father of the applicant, from A-2 it is clearly seen there was and that is the mother of the applicant. It is not known what prompted the applicant not to state in the O.A. that his mother is employed and is earning. The question of appointment on compassionate ground arises only when the deceased was the sole bread winner of the family. Here it is not the case.

5. I do not find any merit in the O.A.

6. Accordingly Original Application is dismissed. No costs.

Dated this the 3rd day of March, 1999.



A.M. SIVADAS
JUDICIAL MEMBER

LIST OF ANNEXURES

1. Annexure A2: True copy of the representation dated 18.2.98 submitted by the applicant before the Minister of Telecommunication.
2. Annexure A3: True copy of the order No. Rectt/9-716/94 dated 4.3.98 issued by the 1st respondent.

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