

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.275/2003

Dated Wednesday this the 3rd day of September, 2003.

C O R A M

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

R.Suresh Kumar
S/o Shri K.Ravindran
Residing at TC 7/96
Vazhavila Puthen Veedu
Kanjirampara P.O.
Trivandrum.

Applicant

(By advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by the
Secretary to Government of India
Ministry of Communications
New Delhi.
2. The Director General of Posts
Department of Posts
New Delhi.
3. The Chief Postmaster General
Kerala Circle
Trivandrum.
4. The Senior Superintendent
RMS 'TV' Division
Trivandrum.
5. The Circle Relaxation Committee rep.by
The Chairman, Office of the Chief
Postmaster General, Kerala Circle
Trivandrum.

Respondents.


(By advocate Mr. P.J.Philip, ACGSC)

The application having been heard on 3rd September, 2003,
the Tribunal on the same day delivered the following:

O R D E R

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

One Shri K.Ravindran while working as Sorting Assistant,
Head Record Office, Trivandrum, being sick for a considerable
long time, at the age of 54 sought retirement on medical
invalidation. After considering the report of the medical board,
by order dated 27.2.97 of the 4th respondent, the applicant's
father Shri Ravindran was allowed to retire on medical



invalidation. Shri Ravindran has two sons and wife as members of his family. Both sons are majors but claim to be unemployed. Shri Ravindran submitted a representation to the 3rd respondent in March 1997 requesting that his son - the applicant in this application whose age was 23 years then, may be considered for employment assistance on compassionate grounds, explaining that he had only a house and 4 cents of land which had already been pledged for Rs.25,000, that he had no other source of income, that he had to incur huge medical expenses and that his elder son, then 23 years of age, who had studied upto SSLC but failed, was unemployed. This request was turned down by A-4 order dated 12.12.97 on the ground that the case of the applicant was considered in detail by the Circle Relaxation Committee for employment assistance but the committee did not recommend the applicant's name for appointment finding that the family could not be considered to be in indigent situation warranting employment assistance on compassionate grounds. Thereafter the applicant submitted A-5 representation dated 4.4.2001. Finding that this representation was not being considered, the applicant filed OA No.597/01 which was disposed of, as agreed to by the counsel on either side, directing the Secretary, Ministry of Communications, New Delhi to consider the representation or to have it considered by the 4th respondent taking into account the relevant facts, namely the income of the family, its liability, the state of health of the retired employee and such other relevant factors and to give the applicant an appropriate reply. In obedience to the above directions, the impugned A-1 order dated 26.11.01 has been issued by the 2nd respondent, stating that the Circle Relaxation Committee did not recommend the case of the applicant for appointment because the committee did not

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find the family so indigent as to deserve employment assistance on compassionate grounds, that there was no vacancy in the 5% quota in which the applicant could be accommodated, that taking into account the size of the family, the income, the possession of a house and land, the family could not be considered to be very indigent and that in the absence of a vacancy in this quota, it was not possible to accede to the request. Aggrieved by this order, the applicant has filed this application. It is alleged in the application that the relevant factors concerning the family, the health of the applicant's father etc. were not taken into account, that appointments to Group-D post (ED Agent) have been made on compassionate grounds in situations identical to that of the applicant and that the action on the part of the respondents in refusing to consider the case of applicant is arbitrary and suffers from lack of application of mind to the relevant factors.

2. Respondents seek to justify the impugned order on the ground that there was no vacancy in the 5% quota to accommodate the applicant, that the applicant's family was not so indigent as to warrant employment assistance on compassionate grounds, that taking into account the fact that the family did not have the burden of bringing up minor children or marrying female children and that the family has got a house and some land besides the pension of the retired employee, the decision taken could not be considered as vitiated for non application of mind to the relevant aspects.

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3. I have carefully gone through the pleadings and the material placed on record and have also heard Shri T.C.Govindaswamy, the learned counsel of the applicant and Shri P.J.Philip, the learned ACGSC, appearing for the respondents. When application of mind to the relevant aspects was apparently missing in A-4 orders, we considered it necessary for the respondents to reconsider the case of the applicant for employment assistance on compassionate grounds taking into account the relevant aspects and therefore, OA No.597/01 filed by the applicant was disposed of directing the competent authority to consider the case of the applicant and to give him an appropriate reply keeping in view the relevant facts, as agreed to by the learned counsel on either side. Now the impugned order A-1 has been issued which discloses detailed consideration of all the relevant factors, in the light of the rulings of the Apex Court in a catena of decisions. It has been held in a number of cases by the Apex Court that the scheme for employment assistance on compassionate grounds has been evolved with a view to give immediate assistance to the families of Government servants dying in harness to tide over the situation of extreme penury and indigence and not to give employment to the son or daughter of every Government servant either retired on medical invalidation or dying in harness. It has also been held by the Apex Court that appointment on compassionate grounds should be within the ceiling of 5% quota earmarked for the purpose. An authority on the point can be had in a decision of the Apex Court in Union of India Vs. Yogender Sharma [2002 (8) SCC 65]. The respondents have specifically pleaded that no vacancy in the 5% quota earmarked for compassionate appointment is available to accommodate the applicant. The retired employee has wife and two

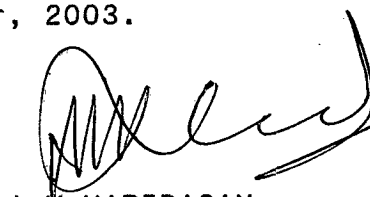
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sons only as members of his family. Both the sons have attained the age of majority on the date of his retirement and the applicant was 23 years of age. He studied only upto SSLC but failed. Both the sons were old enough to earn their bread and also to support their parents. If the retired employee has young children or daughters to be married off, the situation could have been different. There is no case for the applicant that the sons are not able bodied. Everybody cannot look forward for a government job. the applicant,s father should try to adjust his life according to the income of pension with his wife and and the sons should earn their bread and augment the family income without waiting for a government job.

4. On a careful reading of the impugned order and on consideration of the facts and circumstances, I find that the impugned order passed taking into account all the relevant facts after detailed consideration does not call for any interference.

5. In the light of what is stated above, the Original Application is dismissed without any order as to costs.

Dated 3rd September, 2003.



A.V. HARIDASAN
VICE CHAIRMAN

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