

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.282/2002

Tuesday this the 30th day of April, 2002

CORAM

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

1. T.S.Mariamamma, aged 58 years, wife of the late Shri K.N.Ramachandran Pillai, residing at Puthethu House, Chethikode PO, Kanjiramattom, Ernakulam District.
2. Anbil Kumar P.R. aged 30 years son of the late Shri K.N.Ramachandran Pillai residing at Puthethu House, Chethikode PO Kanjiramattom, Ernakulam Dist. ...Applicants

(By Advocate Mr.George Varghese Perumpallikuttiyil)

v.

1. Union of India, represented by the Secretary, Ministry of Railways, Railway Board, Indian Railways, New Delhi.
2. The General Manager, Southern Railway, Chennai.
3. The Divisional Manager, Southern Railway, Thiruvananthapuram Division, Thiruvananthapuram.
4. Senior Divisional Personnel Officer, Thiruvananthapuram Division, Southern Railway, Thiruvananthapuram. ...Respondents

(By Advocate Mr.P.Haridas)

The application having been heard on 30.4.2002, 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 one of the two sons of late K.N.Ramachandran Pillai who at the age of 58 years died in harness on 17.9.99 while working as Gate Keeper under the Second respondent on account of cerebral haemorrhage. The two daughters of

a

Ramachandran Pillai had already been married away before his death and the first son 34 years old is a coolie. The second applicant who is now 30 years old and 27 years old at the time of death of Shri Ramachandran Pillai was also a coolie (Manual Labourer). The request of the applicants for employment assistance on compassionate grounds was turned down by Annexure.A4 order. The reason stated is that the request has not been acceded to as the second applicant did not possess the prescribed educational qualification of 8th standard pass for appointment to a Group D post. Alleging that the refusal on the part of the respondents is unreasonable and without considering the effect of Railway Board's letter dated 1.8.2000 (A2) the applicants have filed this application seeking to set aside Annexure.A4 order rejecting the applicants' request for employment assistance on compassionate grounds and for a direction to the respondents to consider the case of the second applicant afresh referring the matter to the Ist respondent for relaxing the requirement of educational qualification.

2. I have carefully gone through the application and the annexures appended thereto and have heard Shri George Varghese Perumpallikuttiyil, learned counsel of the applicants and Shri Renjit appearing on behalf of Shri Haridas, standing counsel for the Railways. Learned counsel of the applicant argued that the respondents have not taken into account what is stated in Annexure.A2 Railway Board letter and that when there is power to relax the educational standard, the second applicant's case should have been

considered by relaxing the minimum educational qualification. I find little substance in the argument advanced on the side of the applicants. Annexure.A2 relates to cases for employment assistance on compassionate grounds which was pending consideration on 4.3.1999. Regarding the relaxation of minimum educational qualification prescribed, the power is vested with the government to exercise the same under the exceptional circumstances and if the circumstances of the case so deserved. The scheme for employment assistance on compassionate ground was evolved with a view to lend immediate financial support to the family of which the bread winner was unexpectedly taken away by death, so that the family would be able to survive. In this case such a fact situation is wanting. Before the death of Ramachandran Pillai, his daughters' had been married. The second applicant and his elder brother were self employed as manual labourers. The second applicant the younger of the two sons was 27 years old and had stopped education more than ten years back. The first applicant is in receipt of family pension. The two sons were old enough and healthy enough to earn their bread and they were doing it by going for manual labour. They could not have been at that age depending on their father for livelihood. Therefore, there exist no reason to relax the rules and give employment assistance to the family. Therefore, even though in the impugned order proper reasons for rejection of the applicants' claim has not been stated, I am of the considered view that the decision of the competent authority

a

.4.

not to accede to the claim for compassionate appointment cannot be faulted.

3. In the light of what is stated above, finding no reason for admission and further deliberation, the application is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 30th day of April, 2002


A.V. HARIDASAN
VICE CHAIRMAN

(s304)

A P P E N D I X

Applicants Annexures :

1. A-1 : A true copy of the application made by the first applicant before the 3rd respondent.
2. A-2 : A true copy of the letter No.E(NG)-II/99/RC-1/SC/8 dated 1.8.2000 issued by the Joint Director (Establishment)
3. A-3 : A true copy of the representation dated 20.9.2000 submitted by the 2nd applicant to the 3rd respondent.
4. A-4 : A true copy of the letter No.V/Z.735/933 dated 11.09.2001 issued by the Senior Divisional Personnel Officer, Southern Railway.

* * * * *