

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.290/2002

Wednesday this the 19th day of June, 2002

CORAM

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

1. M.Sreekumar, S/o late M.Govindan (CS)
Menath House, Kanjani PO
Thrissur Dist.
2. N.Sivadasini
w/o late M.Govindan (CS)
Menath House, Kanjani PO,
Thrissur Dist.

..Applicants

(By Advocate Mr. Jijo Paul)

V.

1. Union of India, represented by
Secretary, Bharat Sanchar Nigam Ltd.
New Delhi.
2. The Chief General Manager,
Bharat Sanchar Nigam Limited,
Trivandrum.
3. The General Manager,
Bharat Sanchar Nigam Limited,
Telecom District, Trichur.

...Respondents

(By Advocate Mr C.Rajendran, SCGSC)

The application having been heard on 19.6.2002, the Tribunal on the same day delivered the following:

O R D E R

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The first applicant is the elder son and the second applicant is the widow of late Govindan, who at the age of 54 while serving as a Cable Splicer in the Department of Telecom died in harness on 16.6.1999. The grievance of the applicants is that the request of the

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applicants for employment assistance was turned down on unsustainable grounds, namely that the second applicant the mother of first applicant was employed and the family was in receipt of terminal benefits including family pension. The applicants aggrieved by Annexure.A1 turning down the request for employment assistance have filed this application seeking setting aside Annexure.A1 declaring that the first applicant is entitled to appointment under the dying-in-harness scheme and for a direction to the respondents to consider the application of the 1st applicant for such benefit. It is alleged in the application that though the first applicant's mother (the second applicant) was employed at the time of his father's death, she retired from service on 31.5.2001 and that the fact that the family received terminal benefits could not have been set out as a reason for denying the claim for employment assistance as has been held by the Apex Court in **LIC of India Vs. Mrs. Asha Ramachandran Ambedkar**, AIR 1994 SC 2148 and the Honble High Court of Kerala in **Union of India Vs. Kumaran** 1998 (2) KLT 166.

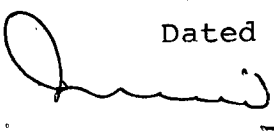
2. We have gone through the application, the annexures appended thereto and have heard Shri Jijo Paul, learned counsel of the applicants and Shri C.Rajendran, learned SCGSC for the respondents. Taking into account the size of the family, the financial position of the family on the date of death and other relevant factors, we are not able to find that the impugned order is arbitrary or one passed without taking into account the relevant factors. The Scheme for

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compassionate appointment ^{3.} was evolved not to give employment to each one of the dependents of a deceased employee but for making the family survive the extreme poverty and indigent to which it might have been thrown into on account of sudden and unexpected demise of its sole bread winner. The situation in this case does not present such a picture. On the date of death of Shri Govindan, the first applicant's mother, who is second applicant herein, was in service drawing a reasonable salary. The family has got a house to live on and it has received a fairly good family pension as also money in terms of other terminal benefits. The daughter of the deceased was married away even before he died. The first applicant is 25 years old and the only member of the family to be taken care of is the younger son. With the income derived from the family out of family pension, the salary of the second applicant etc., on the date of death of Shri Govindan, the family could very well get on though it cannot be said that they are in an affluent circumstances. We, therefore, do not find any reason to admit this application and deliberate on it any further.

3. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated the 19th day of June, 2002


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicants' Annexures:

1. A-1: True copy of the Letter No.STA/242-2/VII/7 of the 2nd respondent dated, 18-2-2002.
2. A-2: Death certificate issued by the Sub Registrar of Births and Deaths, Manaloor Grama Panchayath dated, 22-6-1999.
3. A-3: True copy of the application dated, 29.9.2000 made by the 1st applicant in the prescribed proforma.
4. A-3(a): True copy of covering letter accompanying Annexure-3.
5. A-4: True copy of the Community certificate of the Petitioner issued by the Village Office, Manaloor dated, 29-9-2000.
6. A-5: True copy of the income certificate of the 2nd applicant issued from the Taluk Office, Chavakkad dated 17.7.2000.
7. A-6: True copy of the no objection certificate signed by the wife and children of M.Govindan.
8. A-7: True copy of the certificate issued by the Tahsildar, Chavakkad dated, 20-6-2001.

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