

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.291/2007
Dated the 13th day of June, 2008

CORAM:

HON'BLE MR GEORGE PARACKEN, JUDICIAL MEMBER

Binoy J
Puspavilasom, Oonnimoodu,
Poothakulam P.O, Kollam ... Applicant

By Advocate Mr.M.R.Hariraj

V/s

- 1 Union of India represented by the Secretary to the Government, Ministry of Finance, New Delhi.
- 2 Commissioner of Central Excise, Office of the Commissioner of Central Excise, Central Revenue Buildings, IS Press Road, Cochin-18.
- 3 The Joint Commissioner (P&V), Office of the Commissioner of Central Excise, Central Revenue Building, IS Press Road, Cochin-18 ... Respondents

By Advocate Mr.P.Parameswaran Nair ACGSC (Absent)

This application having been heard on 13th June, 2008, the Tribunal on the same day delivered the following:

(ORDER)

Hon'ble Mr. George Paracken, Judicial Member

In this OA, the applicant has sought a declaration to be issued to respondents to consider him for appointment on compassionate ground.

He is aggrieved by the Annexure A-1 order dated 16.2.2007 by which the

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"Committee of Officer constituted for consideration of applications for appointment on compassionate grounds" has rejected his mothers' request for his appointment.

2 The applicant's father Shri L.Jyothiprabha died while in service on 22.9.2003. At that time, he was working as a Communication Assistant in the office of the 2nd respondent, namely, Commissioner of Central Excise, Office of the Commissioner of Central Excise, Central Revenue Buildings,IS Press Road,Cochin. The family of the deceased got a total sum of Rs.5,20,069/- from the department on account of the terminal benefits. The deceased left behind his wife, two sons and mother-in-law who were dependent upon him. The applicant who is the eldest son of the deceased is a B.Com graduate. His mother, Smt. Prashoba.S made a request for compassionate appointment in his favour at the end of the 3rd year of the death of her husband i.e. on 28.8.2006. The department held enquiries regarding the financial condition of the family of the deceased. According to the information received by the respondent department Smt.S.Prashoba, is working as High School Assistant in an Aided High School at Paravur and she receives a monthly salary of Rs.11,964/-. In addition, the family is also getting Rs.3,713/- as family pension per month and Rs.1000/- as rent for their house at Survey No.2606/2 in Kilikollur Village of Kollam Taluk. The Committee constituted for appointment on compassionate ground considered the case of the applicant at its meeting held on 15th February, 2007. They have also reviewed other pending cases. The Committee, noting the instructions received from the



Department of Personnel and Training vide OM No.14014/19/2002-Estt(D) dated 5.5.2003 regarding time limit for making compassionate appointment rejected the case of the applicant on the ground that the death of the Government servant was on 22.9.2003 and the maximum time limit for consideration of the application of three years has expired on 21.9.2006 and within this period he could not be granted an appointment for want of vacancies in the appropriate cadre.

3 I have heard Advocate Mr.P.A.Kumaran for Mr.M.R.Hariraj, counsel for applicant. None was present on behalf of respondents. I have perused the entire pleadings and relevant record. It is seen that the applicant's father expired way back on 22.9.2003. The very object of the scheme for compassionate appointment as per the Office Memorandum No.14014/6/94-Estt(D) dated 9.10.1998 issued by Government of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel & Training) is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency. In this case, the applicant has applied for compassionate appointment only at the fag end of the 3 year period prescribed as maximum period for consideration of application for compassionate appointment. This itself shows that the applicant was not in any immediate financial crisis after the death of the Government servant.



Inspite of it, the respondents verified the financial position of the applicant and placed case of applicant in the meeting of it the "Committee constituted for consideration of appointment on compassionate ground" held on 16/2/2007. From the report made available to the department, it is very clear that the applicant and his family are comparatively in a better financial condition and no penurious condition exist.

4 In the above facts and circumstances of the case, I am of the considered opinion that the respondents are quite justified in rejecting the request of the applicant for compassionate appointment. Therefore, this OA fails and it is dismissed. There shall be no orders as to costs.



GEORGE PARACKEN
JUDICIAL MEMBER

abp