

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.302/2002

Thursday, this the 2nd day of May, 2002.

CORAM;

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

S.Ajitha,
Ozhukupara,
Thekkumkara Puthen Veedu,
Ureacodu, Vellanaad,
Thiruvananthapuram-695 543. - Applicant

By Advocate Mr Vishnu S Chempazhanthiyil

Vs

1. Chief General Manager,
BSNL, Kerala Circle,
Thiruvananthapuram.
2. The Chairman,
Bharat Sanchar Nigam Ltd.,
New Delhi.
3. Union of India represented by
its Secretary,
Ministry of Communications,
New Delhi. - Respondents

By Advocate Mr. C. Rajendran, SCGSC

The application having been heard on 2.5.2002 the Tribunal on the same day delivered the following:


O R D E R

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


The applicant is one of the daughters of late G.Appukuttan Kani who died in harness on 12.3.1990. Kani had left behind his widow who was employed as a Nurse in the State Government service and three daughters. The elder one had already been married. The claim for employment assistance on

compassionate ground was made immediately on the death of Kani which was turned down. Challenging the order rejecting the prayer for grant of employment assistance on compassionate ground, the applicant filed O.A.109/1993 which was disposed of setting aside the impugned order and directing the respondents to reconsider the matter and pass an appropriate order. Pursuant to the above direction, another order was passed (A-2) rejecting the claim. Dissatisfied, the applicant filed O.A.138/1994. This O.A. was allowed setting aside the impugned order and directing the respondents to consider the claim for employment assistance on compassionate ground taking into account the relevant facts and giving a reasoned order. Pursuant to the above direction, the first respondent passed A-4 order dated 4.5.94 rejecting the claim for employment assistance on compassionate ground on the ground that on an objective assessment of the facts regarding the income and assets of the family and the liabilities, the claim was rejected. Thereafter the applicant on 2.1.2001 made another request for compassionate appointment. She followed it up by a reminders. Finding no response, the applicant has now filed this application for a declaration that she is entitled for employment assistance on compassionate ground and for a direction to the respondents to consider and pass orders on A-7 representation.

2. I have perused the application and the material appended thereto and have heard Shri Vishnu S Chempazhanthiyil, learned counsel of the applicant and Shri C Rajendran, SCGSC for respondents.



3. I find that there is no subsisting cause of action for the applicant which requires admission of this application. The request of the applicant for employment assistance on compassionate ground was turned down by an order dated 4.5.94 wherein it was stated that on an objective assessment of the financial situation, the income and assets of the family the claim for employment assistance was not sustainable. The applicant did not challenge that order. Alleging that the applicant's mother who was in service at that time retired in the year 1995 and therefore, there is a change in the circumstances, and therefore the respondents are bound to consider the claim, this application has been filed. The scheme for employment assistance on compassionate ground is not intended to take care of the welfare of the family for ever or for taking care of the lineal descendants of the Government servants who die in harness perpetually. The scheme was introduced with a laudable objective of assisting the family to survive indigent circumstances to which the family is thrown on account of the sudden death of its sole bread winner. The present change in circumstance alleged by the applicant has come into existence on account of the retirement of applicant's mother. The scheme for employment assistance on compassionate ground in Central Government was not evolved to meet the situation resulting from retirement of a State Government employee. The application which is devoid of valid cause of action is totally misconceived. Therefore,



I reject this application under Section 19(3) of the Administrative Tribunals Act, 1985.

Dated, 2nd May, 2002.



A.V. HARIDASAN
VICE CHAIRMAN

trs

A P P E N D I X

Applicant's Annexures :

1. A-1 : True copy of the order in O.A No.109/1993 dated 28.7.93 of this Hon'ble Tribunal.
2. A-2 : True copy of order No.Rectt/28-187/93 dated 18.11.1993 of the 1st respondent.
3. A-3 : True copy of the order in O.A No.138/1994 dated 20.1.94 of this Hon'ble Tribunal.
4. A-4 : True copy of order No.Rectt/28-239/94 dated 4.5.1994 of the 1st respondent.
5. A-5 : True copy of letter dated 2.1.2001 to the 3rd respondent (Hon'ble Minister for Telecom).
6. A-6 : True copy of letter dated nil to the Director General Department of Telecom.
7. A-7 : True copy of letter dated 26.12.01 to the 3rd respondent.

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