

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.310/2001.

Wednesday this the 20th day of June 2001.

CORAM:

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

S. Padmanabhan,
T.C. 41/603,
Thiruveni Nagar,
Puthencotta, Manacaud Post,
Thiruvananthapuram-695 009. Applicant

(By Advocate Shri D.Kishore)

vs.

1. The Director,
Vikram Sarabhai Space Centre,
Thiruvananthapuram-695 022.
2. The Senior Administrative Officer(Per)/
Welfare Officer, Vikaram Sarabhai
Space Centre, Thiruvananthapuram-695 022.
3. Union of India, represented by its
Secretary, Department Space,
New Delhi-1. Respondents

(By Advocate Shri C.N.Radhakrishnan (R.1-3)

The application having been heard on 20th June 2001
the Tribunal on the same day delivered the following:

ORDER

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

The applicant is the youngest of the four children of the deceased Shri P. Subbiah Pillai who died while in service on 4.3.1998. Shri Subbiah Pillai left behind apart from his widow, two sons and two daughters. Two daughters are remaining unmarried and the elder son is said to be working as Coolie. Claiming that the family has been thrown to indigence as it was solely depending for its livelihood on the salary of the deceased, a request was made by the applicant for compassionate

appointment. The same has been rejected by the impugned order A-III, wherein it has been stated that the competent authority found it not feasible to grant employment assistance on compassionate grounds, as the family is in receipt of terminal benefits and it has not been thrown to extreme indigence or penury, so as to deserve for employment assistance on compassionate grounds.

2. Alleging that the impugned orders suffers from the vice of non application of mind to relevant facts such as, that the two daughtes of the deceased are unmarried and the family has no source of steady income, the applicant has filed this application seeking to set aside A-III impugned order, for a declaration that he is entitled to be appointed on compassionate grounds and for a direction to the respondents to provide employment to him on compassionate grounds.

3. The respondents have filed a detailed reply statement in which they contend that the family is in receipt of terminal benefits and that the respondents did not have any knowledge about the marital or employment status of the members of the family. But they contend that the family has not been thrown to such an indigent situation as to warrant the employment assistance on compassionate grounds.

4. On a scrutiny of the pleadings and the materials placed on record, we are of the considered view that, the competent authority before issuing the impugned order has not made a

factual assessment which is necessary to reach the conclusion, whether the family deserve or does not deserve employment assistance on compassionate grounds. The guidelines in regard to award of compassionate appointment make it clear that, the number of members of the family, their ages, whether employed or not, marital status of the girl children etc. are relevant considerations. Even in the reply statement the respondents have pleaded their blissful ignorance on these vital aspects. Without ascertaining these facts, the competent authority could not have properly come to any conclusion as to whether the family deserved employment assistance on compassionate grounds or not. The impugned order is liable to be set aside and the competent authority has to be directed to take a fresh decision considering the relevant aspects.

5. In the result, the impugned order is set aside and the O.A. is disposed of directing the first respondent to re-consider the claim of the applicant for employment assistance on compassionate grounds taking into account the relevant factors as observed above and to give the applicant an appropriate order within a period of four months from the date of receipt of a copy of this order. No costs.

Dated the 20th June 2001.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

TV

A-III: True copy of the letter No. 13.1/00per-1181 dated 13.11.2000 issued by the 2nd respondent.