

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.327/2002.

Tuesday this the 28th day of May 2002.

CORAM:

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

Nimesh M.D.,
S/o M.D.Damodaran,
residing at Swathi, Harinagar,
Punkunnu, Thrissur-680 002.

Applicant

(By Advocate S/Shri MR Rajendran Nair, Sreeraj R, MR Hariraj,
TM Reshmy, PA Kumaran, Anil R Nair)

Vs.

1. The Chief Postmaster General,
Kerala Circle, Trivandrum-33.
2. The Director General Posts, New Delhi.
3. The Senior Superintendent of Post Offices,
Thrissur Division, Thrissur-01.
4. Union of India represented by its
Secretary to Government of India,
Ministry of Communications,
New Delhi.

Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 28th May 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 who is 29 years old is the son of late M.D.Komalavally Amma, who, while working as Office Assistant in the Office of the Assistant Superintendent of Post Offices, Trichur, died on 13.11.2000 at the age of 51. Late Komalavally Amma was survived by her husband, a pensioner, the applicant her son and a daughter who had already been married. A representation made by the applicant for employment assistance on compassionate grounds, was rejected by A-4 order dated 1.10.2001 on the ground that the family of the applicant was not found so indigent as to deserve compassionate appointment, when compared

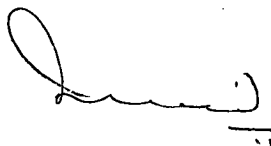
to more deserving cases for appointment against 5% vacancies earmarked for appointment on compassionate grounds. Aggrieved by that the applicant has filed this application to quash Annexure A-4 and for a declaration that the applicant is entitled to be considered for compassionate appointment under the Department of Posts and for a direction to the respondents to consider him for appointment on any suitable post accordingly.

2. We have gone through the application and heard the learned counsel on either side and have perused the material appended to the application. The applicant, a matriculate and a Diploma holder in Engineering was aged 27 years on the date of death of his mother. His father is a pensioner. The only daughter of the deceased had already been married. The family has its own house to live. It has received the terminal benefits too.

3. Under these circumstances, decision of the competent authority to reject the request for employment assistance appears to have been taken after careful consideration of relevant facts and circumstances. We do not find any reason to admit the application.

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

Dated the 28th May 2002.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

Applicant's Annexures:

1. A-1 True copy of the memo No.WLF/3-1/2000 dated 13.11.2000 issued by the Assistant Director, Office of the Post Master General, Central Region, Kochi.
2. A-2 True copy of the representation dated 23.11.2000 submitted by the applicant before the 1st respondent.
3. A-3 True copy of the representation dated 21.12.2000 submitted by the applicant's father before the 1st respondent.
4. A-4 True copy of the letter No.B2/17/Rectt/1/01 dated at Thrissur - 680001 1.10.2001 issued by the 3rd respondent.
5. A-5 True copy of the appeal dated 12.11.2001 submitted by the applicant before the 2nd respondent.
