

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.344/98

Tuesday this the 9th day of June, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. C.K.Saraswathy,
Thadangattuvayal,
Iranjikkal PO,
Mukavoor, Kozhikode District.

2. K.P.Sadasivan -~~do~~

(BY Advocate Mr. N.Govindan Nair)

vs.

1. Union of India, represented by the
Secretary, Department of Labour and
Employment, New Delhi.

2. The Director,
Central Board for Workers Education,
Near V.R.C.E. Gate,
North Ambazan Road, Nagpur.10.

3. Regional Director,
Regional Directorate of Workers Education.
Kozhikode.

...Respondents

(By Advocate Mr. MHJ David J ACGSC)

The application having been heard on 9.6.98, the Tribunal
on the same day delivered the following:

O R D E R

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

This application is directed against the order
dated 7.10.97 (A.II) of the third respondent informing the
first applicant that her request for employment assistance
on compassionate grounds on the demise of her husband while
in harness on 20.6.97 having been considered by the
competent authority, it has been found not possible to
accede to the request. The first applicant's husband was
survived by the first applicant, the widow, the second
applicant the son and a daughter who had already been
married away. The second applicant is aged 34 and ^{is} married

with two children. Alleging that the first applicant was wholly and the second applicant partially depending on the earning of the first applicant's husband for their livelihood, the first applicant made a request for appointment of the second applicant on compassionate grounds. This request was turned down by the impugned order. The applicants state that the case of the applicants for employment assistance on compassionate grounds has not been properly considered in accordance with rules on the subject. Therefore, the applicants have filed this application seeking to set aside the impugned order dated 7.10.97 (A.II) and for a direction to the respondents to give the second applicant an appointment on compassionate grounds.

2. The respondents resist the claim of the applicants on the grounds that the family cannot be considered indigent as the first applicant, the widow, is getting Rs.3000/- out of the terminal benefits on the death of her husband and as the second applicant cannot be considered as a dependant of the deceased.

3. Giving the facts and circumstances of the case disclosed from the pleadings in this case and the arguments of the learned counsel on either side our anxious consideration, we are of the considered view that the impugned order turning down the request of the applicants for the benefit of employment assistance on compassionate grounds cannot be faulted. The decision of the respondents that the applicant's family cannot be considered to be indigent in the background that the first applicant is getting family pension and has already received the other terminal benefits and as the second applicant a man 34 years old with his own family cannot be treated as

dependent on his late father cannot be considered perverse or devoid of application of mind requiring judicial intervention. The scheme for compassionate appointment is for assisting the family driven to indigence on the unexpected death of the sole bread winner. The idea was not to provide a Government job to all the close relations or any one of them of the government servant who dies in harness. Viewed in this perspective, the application is devoid of any merit and therefore, we dismiss it in limine.

No order as to costs.

Dated the 9th day of June, 1998.



P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A II: Order No.W.E.C.17(1)/97/1855 dated 7.10.97 of third respondent.

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