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CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. NO. 345/09

Dated this the 8th day of March, 2010

C O R A M

HON'BLE MR JUSTICE K. THANKAPPAN JUDICIAL MEMBER
HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

Sumesh K.J. S/o late Konikkal Jayendran
residing at Konikkal House
Manjakkad, Shornur
Palakkad District.

Applicants

By Advocate Mr. R.Rajasekharan Pillai

Vs.

- 1 The Union of India represented by
the Secretary, Department of Postal Services
Ministry of Communications
Dak Bhavan, Sansad Marg
New Delhi-110 116
- 2 The Director General of Postal Services
Dak Bhavan
Sansad Marg
New Delhi-110 116
- 3 The Chief Postmaster General
Kerala Circle
Thiruvananthapuram.
- 4 The Superintendent of Posts
Ottappalam Division
Ottappalam.

Respondents

By Advocate Mr. Sunil Jacob Jose, SCGSC

The Application having been heard on 23.2.2010 the Tribunal delivered the following:

ORDER

HON'BLE MRS. K. NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant challenges rejection of his application for appointment on compassionate ground.

2 The father of the applicant died in harness on 1.11.2006 while working as Cash Overseer at Shornur P.O., Ottappalam Division. The deceased employee is survived by the son-the applicant, the widow and a divorced daughter. The mother of the applicant had undergone a major surgery and a skull operation and is under constant medication. On the death of the bread winner, the family was facing acute financial crisis. The applicant had to abandon his studies after PDC. In the circumstance, he applied for employment on compassionate ground. However, the Circle Relaxation Committee did not recommend him for appointment on the ground that the relative indigency (A-1). The applicant submitted another representation to which he was informed that there are more deserving cases for compassionate appointment than the applicant(A-2). The applicant is challenging the rejection of his representations on the ground that the impugned orders do not justify the factual situation and the finding of the relaxation committee that the financial state of the applicant is not such warranting compassionate appointment as compared to others. All these findings are illegal, without any basis, without applying the mind and is opposed to factual situation.

3 The respondents in their reply statement, submitted that appointment on compassionate grounds is intended to render immediate assistance to the family of the Govt. servant who dies in harness leaving the family in financial crisis. Only 5% of the vacancies of direct

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recruitment vacancies is earmarked for appointment on compassionate grounds. It is not intended to ensure employment for each and every member of the family. Therefore, it became essential to ensure that only more deserving cases were approved as per the criteria stipulated in the scheme for such compassionate appointments. The compassionate employment will depend on the penurious condition of the deceased family. The Circle Relaxation Committee assessed the family as not in indigent circumstances. The family has received terminal benefit of Rs. 392578/- and that a monthly family pension of Rs. 5755/- plus relief amount. There is no unmarried daughter or minor children to be looked after. Therefore, the CRC found no relative indigency warranting consideration for appointment under the rules.

4 The applicant filed rejoinder questioning Circle Relaxation Committee's non-recommendation of applicant on assessment of relative indigency of the aspirants.

5 The respondents filed an additional reply statement on 15.1.2010 reiterating their contention in the reply statement. They further stated that the mother of the deceased gets a family pension of Rs. 4545/- plus relief, the widow is getting family pension of Rs. 7409/- in addition to the terminal benefit of Rs. 3,92,578/-,

6 We have heard learned counsel appearing for the parties and have gone through the pleadings. The respondents have produced the minutes of the Circle Relaxation Committee. A perusal of the same shows that 44 requests were examined to fill up only one available vacancy of Postal Assistant. There were no vacancy in the Postman and Group-D cadres. Hence, only one candidate among 44 was approved for selection as Postal Assistant by the CRC which met on 23.7.2007. Since the applicant's qualification was Pre Degree Course, he was considered for

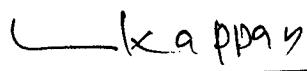
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post of Postal Assistant. As far as the selected candidate is concerned, the family received Rs. 63,089/- only as terminal benefits while the monthly pension is Rs. 1913/- plus DA. There are four dependents and none is employed. The family does not own a house. However, in respect of the applicant it is recorded that the widow gets a family pension of Rs. 3450/- plus D.A., Rs. 2,86,224/- as terminal benefits, 3 dependents and no unmarried daughter. It is also recorded that there is one earning member in the family, viz. the married/divorced daughter and hence she is not dependent on the mother. In the additional reply statement the respondents have further stated that the Committee considered the financial position of the family taking in to consideration the number of dependents, number of unmarried daughters, number of minor children, annual income from other sources, whether the family owns a house or not, details of landed property, and details of liability of the family, and assessed the relative indigency of the families who have applied for compassionate appointment and rejected the application of the applicant. Therefore, we do not find any infirmity with the action of the CRC or the respondents in rejecting the application of the applicant on the ground of relative indigency, warranting interference by this Tribunal.

6 In this view of the matter, we do not find any merit in the O.A. It is accordingly dismissed. No costs.

Dated 8th March, 2010.


K. NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE K. THANKAPPAN
JUDICIAL MEMBER

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