

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 347/99

Monday, this the 22nd day of March, 1999.

CORAM:

HON'BLE MR AM SIVADAS, JUDICIAL MEMBER

R. Balagopal, T.C.9/263(3),
Sasthamangalam,
Thiruvananthapuram.

...Applicant

By Advocate Mr. Pirappancode V. Sreedharan Nair

vs.

1. Union of India, represented by
The Secretary,
Ministry of Agriculture,
New Delhi.
2. Director General,
Indian Council of Agricultural Research,
New Delhi.
3. Director,
Central Tuber Crops Research Institute,
Sreekariyam,
Thiruvananthapuram.

...Respondents

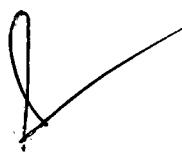
By Advocate Mr. Jacob P. Varghese

The application having been heard on 22.3.99, the
Tribunal on the same day delivered the following:

ORDER

The applicant seeks to quash A-3 and to direct the
respondents to appoint him on compassionate ground to a
suitable post in Indian Council of Agricultural Research.

2. The applicant says that he is the son of Late Dr.P.
Indiramma who died on 4.6.98 while in service under the
respondents. Consequent on his mother's death, family
pension and other retiral benefits were granted to his
father who is a pensioner.



3. Though it is stated in the O.A. that the applicant's father is receiving family pension on the death of the applicant's mother and obtained other retiral benefits and that the applicant's father is a pensioner, what is the amount of family pension granted has not been mentioned in the O.A. So also what was the applicant's father and on his retirement, what pension he is drawing. The applicant has stated specifically in the O.A. that his mother was a Senior Scientist in the Central Tuber Crops Research Institute, Thiruvananthapuram but he pretends ignorance of what his father was while in service and on retirement what pension he is drawing.

4. It was submitted across the bar by the learned counsel for the applicant to my specific query that the applicant's father was a Tahsildar and the monthly pension drawn by him comes to Rs. 4500 - 5000. It is also submitted that almost an identical amount is received per month by way of family pension. Then the monthly income of the applicant's family comes to Rs. 10,000/- roughly which means the annual income exceeds Rs. 1,00,000/-.

5. A-5 is purported to be a certificate issued by the Tahsildar, Thiruvananthapuram dated 31.10.98. There it is stated that the annual family income of the applicant is estimated at Rs. 16,248/-. It is something that I am unable to follow on what basis A-5 certificate was issued. Since Judicial notice can be taken of the minimum pension paid to State Government Pensioners and normally what minimum family pension would have been granted on the death of the applicant's mother who was a Senior Scientist, the annual income of the applicant's family by no stretch of imagination can be estimated by any reasonable man of ordinary prudence at Rs. 16,248/-. I am afraid A-5 is not ~~this~~ worth the paper on which it is written.

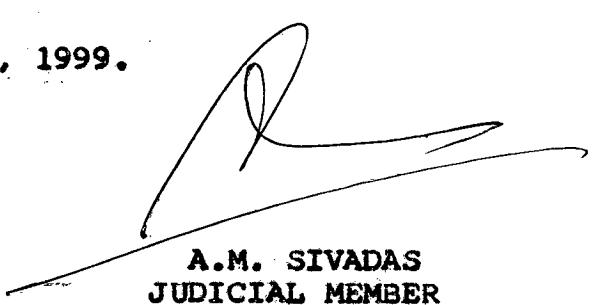
6. Nobody has got a vested right to get an appointment on compassionate ground. Compassionate appointment is provided only to relieve the penury faced by the members of the family of the deceased who was the sole earning member. Admittedly, the applicant's mother died on 4.6.98 and his father was earning pension at the time of the death of his mother. So, it is not a case of the family of the deceased faced with penury due to the death of the only earning member.

7. A person who approaches the Tribunal should necessarily come with clean hands. He, who suppresses material facts within his knowledge should necessarily face and suffer the consequence. The consequence is dismissal of the O.A. The applicant can never be ignorant of the pension that his father is earning and also the family pension drawn by his father on the death of his mother. Suppression of these facts can only be said to be deliberate and intentional with the ulterior motive of making an attempt to see whether compassionate appointment could be obtained.

8. I do not find any ground much less any good ground in this O.A. to be entertained.

9. Accordingly, the Original Application is dismissed.
No costs.

Dated the 22nd of March, 1999.


A.M. SIVADAS
JUDICIAL MEMBER

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LIST OF ANNEXURES REFERRED TO IN THE ORDER

Annexure A-3: True copy of the order F.No.20/80-Per dated 6.10.1998 of the 3rd respondent.

Annexure A-5: True copy of the Income Certificate No.A9/19337/98 dated 31.10.1998 issued by the Tahsildar.