

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.352/99

Wednesday, this the 24th day of March, 1999.

CORAM:

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

Karunanithi,  
S/o K Jayaram,  
No.5, Kabilar Street,  
Old Suramangalam,  
Salem-5.

- Applicant

By Advocate Mr B Gopakumar

Vs

1. Union of India  
represented by the General Manager,  
Southern Railway,  
Madras.

2. The Senior Divisional Personnel Officer,  
Southern Railway,  
Palghat.

- Respondents

By Advocate Mr K Karthikeya Panicker

The application having been heard on 24.3.99, the  
Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to declare that he is entitled for  
appointment in the Railways in a post commensurate with his  
qualification on compassionate grounds, to direct the respondents  
to grant him suitable appointment in the Railways on compassionate  
grounds and to quash A-6.

2. This O.A. came up for admission yesterday i.e., on 23.3.99.  
It was submitted yesterday on behalf of the learned counsel for  
the applicant that this O.A. may be called today. Granting the

request for a specific posting to today, this O.A. was posted to today. When the O.A. was taken up today for admission hearing, it is submitted on behalf of the learned counsel for the applicant that this O.A. may be posted to some other day since the counsel for the applicant is out of station. If the counsel for the applicant really wanted this O.A. not to be posted to this day, there should not have been a representation yesterday on behalf of the learned counsel for the applicant that this O.A. may be posted to today. It appears that the applicant never wants this O.A. to be heard.

3. The applicant says that he is the adopted son of Late K.Jayakumar who was working under the respondents and died while in service. It is so stated in paragraph 4.1 of the O.A. In paragraph 4.2 of the O.A., it is stated that Jayaraman was unmarried and he did not have any children. He had adopted the applicant who is his sister's son in the year 1992 and a formal deed of adoption had been drawn up subsequently. He submitted representation for getting appointment on compassionate grounds and the same has been turned down as per A-6, the impugned order issued by the second respondent.

4. It appears to be a case that the applicant is not sure and definite whether he is the adopted son of Jayakumar or Jayaraman. Though the applicant says that a formal deed of adoption had been drawn up adopting him by Jayaraman, the said adoption deed is not made available. No reason is stated for non-production of the adoption deed.

5. In paragraph 7 of the O.A., it is stated thus:

"The applicant further submits that he has not filed any application, petition or suit regarding the matter in issue here and that no such suit, petition or application is pending before any court, Tribunal or other judicial forum."

This is totally incorrect. The applicant had filed O.A.1499/98 before this Bench of the Tribunal for the very same relief of appointment on compassionate ground. The declaration to be given in the O.A. is not to be taken as an empty formality. The declaration should true and correct.

6. It is well settled proposition of law that nobody has got a vested right to get an appointment on compassionate ground. Compassionate appointment is given for the purpose of tiding over the sudden financial crisis befallen on the family on account of the demise of the sole bread winner. So, two conditions are necessary to be fulfilled in order to seek an appointment on compassionate ground.

i) The family should have faced a sudden financial crisis due to the death of the employee and

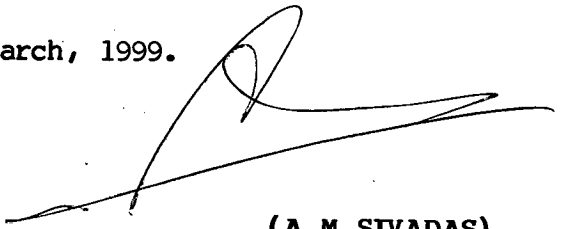
ii) The deceased was the sole bread winner of the family.

There is no pleading to the effect in this O.A. that due to the demise of the Jayakumar or Jayaraman, the family faced a sudden financial crisis and Jayakumar or Jayaraman was the sole bread winner of the family.

7. I do not find any ground much less any good ground to entertain this O.A.

8. Accordingly, the O.A. is dismissed. No costs.

Dated, the 24th of March, 1999.



(A.M.SIVADAS)  
JUDICIAL MEMBER

trs/24399

List of Annexures referred to in the Order:

Annexure-A6, true copy of order No.J/P.OA.1199/98 issued by the second respondent dated 15.12.98.