

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 360 of 1995

Thursday, this the 9th day of March, 1995

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. KK Jayarajan,  
Angadiparambath House,  
Ponniam PO,  
(Via) Ponniam West,  
Thalassery. .. Applicant

By Advocate M/s Santhosh and Rajan

Vs.

1. Union of India represented by  
Secretary,  
Ministry of Communications,  
New Delhi.
2. The Chief Postmaster General,  
Kerala Circle,  
Thiruvananthapuram.
3. The Superintendent of Post Offices,  
Thalassery Division,  
Thalassery. .. Respondents

By Advocate Mr. TPM Ibrahim Khan, Senior Central Government  
Standing Counsel

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

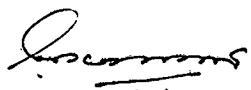
Applicant seeks to quash A-14 by which his request for compassionate appointment, was rejected by second respondent Chief Postmaster General. Father of applicant retired prematurely and the applicant approached respondents for a compassionate appointment. The request was turned down on the ground that the family was not indigent. By orders in A-12 we directed respondent to reconsider the matter and pass a reasoned order. Upon that they have passed A-14. It is noticed in A-14 that the family owns 33 cents of land in

Survey No. 63/94 and 63/10 in Kadirur village and that it is in addition to a 'line building', and that it owns another two storeyed building with 21 yielding coconut trees. It is also pointed out that they have other resources. Notwithstanding that, learned counsel for applicant would submit that the assessment of income is not proper.

2. This Tribunal does not sit as an appellate Court on facts. Even assuming that some of the findings on facts are not correct, interference will be justified, only if the findings are so unreasonable that no person instructed in law or facts would have come to such a conclusion. The findings in A-14 are not such and they are not unreasonable. Besides, by issuing directions to make compassionate appointments a monopoly cannot be created in favour of a class of person overlooking the possibility that there may be far more indigent persons waiting outside for employment in the open market. Indigence is a relative concept and it must be determined with reference to prevailing economic and social conditions, and with reference to the facts of the case. So viewed, we are not inclined to say that the impugned order is unreasonable.

3. We dismiss the application. No costs.

Dated the 9th March, 1995



SP BISWAS  
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

ak/93

List of Annexures

Annexure A 12: True copy of the judgement in OA 1348/94 dated 6-10-94 of the Hon'ble Central Administrative Tribunal Ernakulam

Annexure A 14: True copy of the Order No.CC/3-8/94 dated 26-12-94 of the 2nd respondent.