

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 375 of 1999.

Tuesday this the 30th day of March 1999.

CORAM:

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

K.R. Asokan,  
Kattungal,

Trichur -27. . . . . Applicant

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. The General Manager,  
Telecom District, Trichur

2. The Director General, Department  
of Telecommunications,  
Sanchay Bhawan, New Delhi. . . . . Respondents

(By Advocate Shri K.R. Rajkumar, ACGSC)

The application having been heard on 30th March 1999,

the Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to declare that he is entitled to be considered for compassionate appointment in the Telecom Department and direct the respondents to consider him for compassionate appointment in any suitable post and also to direct the second respondent to consider and pass orders on A-2 representation within a reasonable time.

2. The applicant says that his father Shri K.K. Raghavan died while working as Watchman at Trichur Telephone Exchange. He submitted a representation on 12.11.92 requesting compassionate appointment. His request for compassionate appointment was turned down as per A-1 of the year 1994. Subsequently, as per A-2 dated 11 May, 1994 he submitted another representation for the same relief to which there is no response.

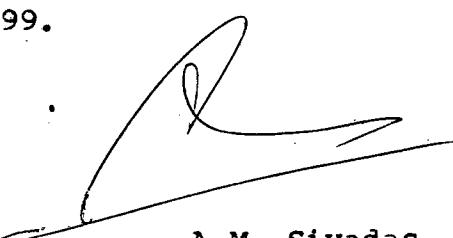
3. Though the applicant says that his father Shri K.K. Raghavan died while working as Watchman at Trichur Telephone Exchange, it is interesting noting that not even a syllable is stated in this Original Application as to the date on which his father died. Since it is stated that the first representation submitted by him was dated 12.11.92 it could be taken that his father died prior to 12.11.92. To the representation dated 12.11.92, A-1 reply has been given rejecting the request stating that the Circle High Power Committee at the meeting held on 9.3.94 after examining all the aspects of the case in detail came to the conclusion that no indigent circumstance exists in the family of the deceased. A-1 of the year of 1994 is not sought to be quashed.

4. This is a case where the applicant seeks compassionate appointment on the ground of the death of his father while in service roughly after a lapse of seven years if not more, appointment. Compassionate/is acknowledged as a mode to provide to the family or the dependents of the employee, who died in harness, immediate protection for the loss of the bread winner. Such compassion cannot survive for a period of seven years.

5. There is no vested right for getting an appointment on compassionate ground. If the members of the family of the deceased employee can manage for about 7 years after his death, one of his legal heirs cannot put forward a claim as though it is a line of succession by virtue of a right of inheritance. The object of the provisions should not be forgotten that it is to give succour to the family to tide over the sudden financial crisis befallen the dependents on account of the untimely demise of its sole earning member.

6. Accordingly, the original application is dismissed.  
No costs.

Dated the 30th March 1999.



A.M. Sivadas  
JUDICIAL MEMBER

List of Annexures referred to in the Order:

Annexure A-1 : True copy of the order dated 4/94  
No. 242-2/69 issued by the Assistant General  
Manager, Office of the 1st respondent.

Annexure A-2 : True copy of the representation  
dated 5/94 submitted by the mother of applicant  
to the 2nd respondent.