

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A No. 41/ 2011

Thursday, this the 24th day of March, 2011.

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HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

HON'BLE Ms K.NOORJEHAN, ADMINISTRATIVE MEMBER

P.Ajith,
S/o late Pankajakshan Nair,
Sandhya Bhavan Aliyitharatta,
Chempazhanthiy.P.O.
Thiruvananthapuram.Applicant

(By Advocate Mr V Suresh – not present)

v.

Central Tuber Crops Research Institute,
Indian Council of Agricultural Research,
rep. by its Director,
Sreekariyam, Thiruvananthapuram.Respondent

(By Advocate M/s Varghese & Jacob)

This application having been finally heard on 10.3.2011, the Tribunal on delivered the following:

ORDER

HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER

The applicant is aggrieved by the impugned Annexure A-8 order rejecting his application for appointment on compassionate ground.

2. The applicant is the son of late Shri Pankajakshan Nair who died on 29.11.2002 while working as Supporting Staff Grade IV under the respondent. Besides him, late Shri Pankajakshan Nair left behind his wife and an unmarried daughter. The applicant submitted the Annexure A-1 application for

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appointment on compassionate ground on 20.6.2003. Pending decision in the case, considering the family background and financial position of the deceased government servant, he was allowed to function as Field Technician in the CIAT Project on contract basis. However, since his aforesaid request for a permanent appointment on compassionate ground made vide his application dated 20.6.2003 was not yet acceded to, he has made Annexure A-2 and A-3 reminders dated 16.10.2009 and 7.11.2009. Thereafter, the respondent, vide its letter dated 11.11.2009, informed him that his request for appointment on compassionate ground could not be acceded to as the number of vacancies earmarked for the purpose is very limited and the number of more meritorious candidates waiting for appointment is quite large. The applicant challenged the above decision of the respondent vide W.P.(C) No.17373/2010 before the Hon'ble High Court of Kerala and it was disposed of vide its judgment dated 4.6.2010, directing the respondent to consider his application for appointment on compassionate grounds in accordance with the scheme. Thereafter, the respondent after due consideration of his application, turned down his request again. The applicant approached the Hon'ble High Court once again vide W.P.(C) No.23161/2010 and vide judgment dated 23.7.2010, it directed the respondent to pass orders afresh after granting the applicant an opportunity of being heard. Once again, the respondent, after complying with the directions of the Hon'ble High Court rejected the applicant's claim vide Annexure A-8 Memorandum dated 31.8.2010. Hence the present O.A.

3. The respondent has filed a reply statement. According to them, the CTCRI, Thiruvananthapuram had received ten applications from the dependents of the deceased employees of the Institute, including that of the applicant during the period from 13.3.1997 to 2.4.2007 for consideration for

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appointment on compassionate ground. The applicant's application was dated 20.6.2003 and his name was at Sl.No.6 of the list of those 10 persons arranged on the basis of the date of receipt of the applications. However, only 10 the direct recruit vacancies of Group C & D posts have arisen during the aforesaid period which is as follows:

<u>Year</u>	<u>No. of vacancies</u>
2003	2
2004	2
2005	6

Since 5 % direct recruitment vacancies in Group C & D posts do not make even 1 in none the above years, no appointment could be made under "compassionate ground".

4. The respondents have made available the minutes of the latest meeting of the Committee held on 29.9.2009 Annexure R-1 and the relevant part of the same is as under:

"The committee has considered the applications received from the following dependents of the deceased/invalid Government servants for consideration of appointment on compassionate appointment:

<i>Sl.No.</i>	<i>Name of applicants</i>	<i>Date of death of (ICAR employee)</i>	<i>Date of application for compassionate appointment</i>
1	Shri B Rajendran Nair S/o late Shri S Balalakrishnan Nair, SS Gr.III	13.03.1997	18.08.1997
2	Shri K Bijukumar, S/o N Krishnan, SS Gr.II (invalid pensioner)	31.07.1997	30.10.1998
3	Shri T Sunilkumar, S/o late T.Titus, SS Gr.II	05/06/99	30.12.1999
4	Smt T.S.Thankamony, W/o late P.G.Chellappan LDC	19.11.2000	06/06/01

<i>Sl.No.</i>	<i>Name of applicants</i>	<i>Date of death of (ICAR employee)</i>	<i>Date of application for compassionate appointment</i>
5	Sachin Joseph, S/o late Shri C.V.Joseph, A.O	11/09/02	02/12/02
6	Shri V Ajith, S/o late K Pankajakshan Nair, SS Gr.IV	29.11.2002	20.06.2003
7	Shri K Chandran, S/o late G Kuttappan, SS Gr.IV	11/09/05	28.09.2006
8	Shri Ajikumar, S/o late Shri C Sreedharan, SS Gr.II	18.10.2006	13.03.2007
9	Ms Biji, D/o late Shri K.P.Sasidharan Nair, SS Gr.IV	24.11.2006	30.12.2006
10	Shri S Santhosh S/o Shri A Sarojini, SS Gr.II	02/04/07	25.07.2007

The committee has carefully examined the rule provisions for compassionate appointment. On the basis of Govt. of India O.M.No.14014/19/2002-Estt(D) Ministry of Personnel, Public Grievances & Pensions, Dept. of Personnel & Training, New Delhi dated 5th May 2003, the applications received from the applicants from 1 to 6 cannot be considered as they are time barred. As per this O.M compassionate appointment cannot be considered after 3 years. Their cases were already examined thrice earlier by the Compassionate Appointment Committee as per the records made available to the committee.

Therefore applications of the following 4 persons were examined meticulously as per the rules on the subject and other material like different judgments by CAT etc as appeared in the different monthly Swamy's News as submitted to the committee.

<i>Sl.No.</i>	<i>Name of applicants</i>	<i>Date of death of (ICAR employee)</i>	<i>Date of application for compassionate appointment</i>
1	Shri K Chandran, S/o late G Kuttappan, SS Gr.IV	11.09.2005	28.09.2006
2	Shri Ajikumar, S/o late Shri C Sreedharan, SS Gr.II	18.10.2006	13.03.2007
3	Ms Biji, D/o late Shri K.P.Sasidharan Nair, SS Gr.IV	24.11.2006	30.12.2006
4	Shri S Santhosh, S/o Smt A Sarojini, SS Gr.II	02.04.2007	25.07.2007

The financial background of the deceased employee and the pension and gratuity, assets and liabilities; number of dependents in the family etc were also considered by the committee as per the details available in the office record/applications.

The committee on verification has understood that Shri Ajikumar, S/o late Shri C Sreedharan (Sl.No.2) is having a small shop (pan like shop) within the city limits. His brother is Govt. employee. His family also have a furniture shop. Shri Ajikumar is married and looks after his family. Ms Biji, D/o late K.P.Sasidharan (Sl.No.3) is married and settled. She is qualified and employed. Shri S Santhosh, S/o Smt A Sarojini (Sl.No.4) is well qualified and have a good employment.

The committee after consideration of all above fours, unanimously recommend the name of Shri K Chandran, S/o late Shri G Kuttappan (Sl.No.3) for compassionate appointment."


5. This case was listed for hearing on 4.2.2011, 23.2.2011, 4.3.2011 and 18.3.2011. Neither the applicant nor his counsel was present on all those dates. Today, also when the case taken up for hearing, none appeared on behalf of the applicant. It seems that the applicant is not interested in prosecuting his case any further. We have, however, considered the case on merit. We have also heard the learned counsel for respondent and perused the entire documents available on record. The request of the applicant for compassionate ground appointment has been pending for 2003 onwards. As seen from the record, there were only 2 direct recruit vacancies in the year 2003. There were 5 other earlier applications already pending for consideration. As there were only 2 direct recruit vacancies, none of the requests for appointment on compassionate ground could be acceded to, under the 5% quota. Again, in the years 2004 and 2005, unfortunately, the number of vacancies were only 2 and 6 respectively and no vacancies could be earmarked for appointment on compassionate ground for the very same reason. It is further seen that the applicants case which is pending since 2003

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has been considered on all the three years. As the applications for compassionate ground are not to be considered for more than 3 years as prescribed by the Government of India, vide Government of India O.M.No.14014/19/ 2002-Estt(D), Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi dated 5.5.2003, his name has been struck off from the list of eligible candidates. Therefore, the committee have not considered him for the 4th time in its meeting held on 29.9.2009.

6. We, therefore, do not find any merit in this case. The O.A is accordingly dismissed. There shall be no order as to costs.


K.NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

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