

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.412/2006

Wednesday this the 21st day of February 2007.

CORAM:

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

Santhosh T, S/o late Kunjunni T,
Tharayil House, Thrikarthiri P.O.,
Palaghat, Kerala-679 502. Applicant

(By Advocate Shri S.Gopakumar)

Vs.

1. Union of India represented by the Secretary, Ministry of Agriculture, New Delhi.
2. Director, Integrated Fisheries Project, Cochin, Kerala. Respondents.

(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The Application having been heard on 21.2.2007
the Tribunal on the same day delivered the following

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

This application has been filed by the dependent son of the deceased Government employee, viz., T.Kunjunni who was in the regular service of the 2nd respondent and expired on 6.9.1991. The case of the applicant is that, he was a minor at the time of death of his father and his mother had made an application for compassionate appointment in 1991 itself, and that was turned down by the 2nd respondent holding that there was no regular post available at that time and when the applicant attained majority, he has submitted a representation on 24. 1.2002 and reminders also but no action has been taken.

2. In the reply statement, the respondents have contested the averments made in the O.A. and submitted that, Smt. Vasantha, mother of the applicant, was considered soon after the death of the employee and she was offered an employment as Sweeper on casual basis vide O.M.No.A1/4-2/92/2240 dated 14.7.92 and she had informed vide her letter dated 19.7.92 that, she was not in a position to accept the offer due to her family circumstances, and declined the same. When the Screening Committee met on 22.10.99 and 4.11.99 to consider the applications in respect of the dependents of the employees who died while in service, ^{even} for compassionate appointment, though the applicant's mother had declined the offer of appointment, her case was also placed before the Screening Committee. The Screening Committee had found that "the applicant has got a land of 40 cents and family pension, and that the applicant had turned down the offer of appointment on personal grounds and that there was no financial distress warranting consideration of the belated case" and rejected the request. Thereafter, a request was received from the applicant's mother in September 2001 which was not in a prescribed proforma and the representation claimed to have been submitted by the applicant vide A-3 and A-4 have not at all been received by the office and hence, no further action was taken. They have also submitted that as per the guidelines of Department of Personnel and Training dated 9.10.1998, while considering the request on compassionate grounds the objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities. The objective of the Scheme itself is to relieve the family from immediate financial distress and to tide over the sudden crisis. Here the applicant has represented after a period of nearly ten years after the death took place and in such cases the Apex Court has observed that, compassionate employment cannot be granted after a lapse of reasonable period and consideration for such employment is not a vested right which can be exercised

after a lapse of time.

3. No rejoinder has been filed by the applicant.

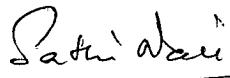
4. I have heard the counsel on both sides. The counsel for applicant submitted that the applicant was not aware of any rejection of his mother's case and that he had applied in time after attaining majority and he also disputed the findings of the Screening Committee, on the financial position of the family. .

5. I have considered the submissions made by the counsel. This is not a case where there was no eligible member in the family for compassionate employment immediately after the death of the Government Servant. So that, the department had to wait till the eldest became a major. In fact, the wife of the deceased employee had submitted an application immediately after the death of the employee. She was also offered an appointment as Sweeper on casual basis which she had declined due to family circumstances. However, notwithstanding the refusal the respondents had again considered her case in accordance with the guidelines, in a regular vacancy in 1999 and the Committee had found that there was no immediate financial distress for re-consideration, since 8 years had already elapsed from the death of the Government servant. There was no further representation from the family and now the applicant claims that he had made a request in 2002, which of course the respondents have stated that, they have not received that application. Even if it has been received, the whole object of granting Compassionate Appointment under the Scheme is, not to provide a job to a member of the family of the deceased Government servant as a matter of right, and it is only a measure to relieve the immediate financial distress of the family. Various decisions of the Courts have made this position very clear that,

the Scheme is not an employment scheme and that such claims cannot be agitated repeatedly after the crisis is over. In this case, the applicant has come up after ten years of the death of the Government Servant. Under these circumstances and in view of the submissions made in the O.A., I do not find any merit in the O.A.

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

Dated the 21 st February, 2007.


**SATHI NAIR,
VICE CHAIRMAN**

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