

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 27 JUN 1994

APPLICATION NUMBER: 872 of 1993

APPLICANTS:

M. Krishnappa
To.

RESPONDENTS:

v/s. Chief General Manager, Telecom,
Karnataka Circle, Blr & other.

- ① Sri. Ashok Patil,
Advocate, No. 19/1,
2nd floor Link Road,
Malleshwaram, Bangalore-560003.
- ② Chief General Manager,
Karnataka Telecom Circle,
1, Old Madras Road,
Ulsoor, Bangalore-8.
- ③ Sri. T. S. Padmananjiah,
Sr. C.G.S.C, High Const Bds,
Bangalore-1

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ~~ORDER/~~
~~STAY ORDER/INTERIM ORDER/~~, passed by this Tribunal in the above
mentioned application(s) on 17.06.94

Issued

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

APPLICATION NO.872/1993

DATED THIS THE SEVENTEENTH DAY OF JUNE, 1994

MR. V. RAMAKRISHNAN, MEMBER (A)

MR. A.N. VUJJANARADHYA, MEMBER (J)

Mr. M. Krishnappa
S/o. Late R. Mahalingaiah
Dhanashree Nilaya
Gourikoppal
Hassan - 573 201. By Applicant
(Shri Ashok patil, Advocate)

Vs.

1. The Chief General Manager
Telecom Karnataka Circle
Bangalore.
 2. The Telecom District Engineer
Lalitha Krupa Building
B.M. Road, Hassan. Respondents
- (By Shri M.S. padmarajaiah, S.C.G.S.C.)

O R D E R

(Mr. V. Ramakrishnan, Member (A))

The applicant herein is aggrieved by the decision of the department not to offer him compassionate appointment in the department even though his father died in harness when working as Line Inspector in the Telecom department. The applicant's contention is that he has to maintain a family consisting of himself, his mother, grandmother, 2 brothers and 2 sisters and that he had completed SSLC long back and he is unemployed. He has further stated that his father had constructed house at Hassan with the help not only of House Building Advance taken from the Government which has since been adjusted in full but also with the help of loans from some friends which has not been fully liquidated. The applicant, therefore, contends that the



rejection by the department of his request for compassionate appointment by the letter dated 30.11.1993 as at Annexure-A3 is unwarranted and that the same should be quashed.

2. The respondents argue that his case was considered by the High Powered Committee but he was not approved for appointment on compassionate grounds on the grounds that the family had received terminal benefits of Rs 81,000/- besides being entitled to a family pension of Rs 1273/- per mensem apart from the dearness relief on such family pension. The family also owns a house at Hassan and there is also one other earning member in the family. During the hearing the department also made available to us the relevant file from which it is clear that the High Powered Committee had considered the matter and did not recommend the applicant's case for the reasons mentioned above.

3. We have heard Shri Ashok V. Patil, learned counsel for the applicant and Shri M.S. Padmarajaiah, learned Senior Central Government Standing Counsel. Shri Patil contends that on the death of any Government servant in harness, the family would be entitled to normal terminal benefits and this cannot be urged as a ground for rejecting the request for compassionate appointment. He further mentions that his 2 sisters have to be married and the resources available with the family are inadequate. The learned counsel also asserts that ^{compounded} ~~compounded~~ to the situation when the father was alive there is considerable deterioration in the economic position of the family. The fact that one brother is employed in Government service who is reportedly staying away from the other members of the family cannot be a ground for rejecting the claim for compassionate appointment.

4. Shri Padmarajaiah refutes the contentions of Shri patil. He draws our attention to the scheme for compassionate appointment where such appointment can be given only in exceptional cases where the department is satisfied that the condition of family is indigent and is in great distress. In the light of the benefits available to the applicant's family, the present case is not one where the family is in great distress which would warrant compassionate appointment to the applicant. He also refers to the decision of the Tribunal in O.A. 977/1993 rendered on 18th April, 1994 where in a situation very similar to the present case, the Tribunal had rejected the request for compassionate appointment. He refers to para-4 of the judgement, which reads as follows:-

" We think this is not a case in which it can be said that the family is in such dire circumstances as to call for extra succor by providing employment on compassionate grounds to a member of the family. The family having received over Rs. 1 lakh and is also getting a family pension and the applicant himself having got Rs 10,000/- out of the terminal benefits, he being about 25 years of age it is proper that he should find other means of livelihood than simply bickering for an appointment on compassionate grounds. The case of the applicant was considered by a High Powered Committee which turned down the request because the applicant's family was getting a pension of Rs 1298/- and had also received terminal benefits of more than Rs 1 lakh and therefore found no case for grant of an appointment to the applicant on compassionate ground. "

According to the learned counsel for the applicant the fact that one brother is already employed is also a relevant factor which has to be taken into consideration as in such ^{an event} ~~a situation~~ the scheme envisages compassionate appointment only in situation of great distress and only in deserving cases where the department is satisfied that the grant of concession is justified having regard to the number of dependents, the assets and liabilities



left by the deceased Government servant, the income of the earning member etc. The facts in the present case are such that the claim for compassionate appointment is not tenable.

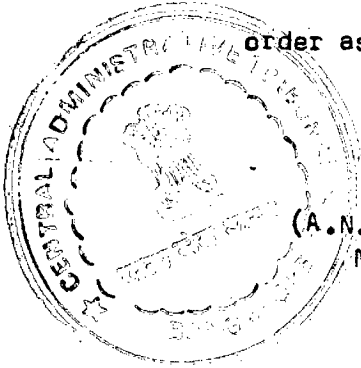
5. Shri Patil submits that keeping in view the fact that the applicant has got a fairly large family, the department should have considered his case for compassionate appointment. As regards the precedent cited by Shri padmarajaiah, Shri Patil states that it is not clear as to what was the size of the family in the case referred to.

6. After having heard both sides and also after perusal of the records, we hold that the benefits available to the applicant and his family and also the assets in the form of a house etc., are relevant factors which has^{be} been rightly considered by the High Powered Committee and in view of the substantial benefits available to the family, the request for compassionate appointment was rejected. The rules for compassionate appointment are derogatory to normal recruitment rules and they envisage such appointment only when the family is found to be intotally indigent circumstance. The fact that on the death of the father of the applicant there has been a short fall in the income of the family would be relevant not only in the present case but also to all other cases and even in cases where the Govt. employee retires. That cannot be a ground for directing compassionate appointment when the circumstances do not justify such a step.

7. In the light of the foregoing, we hold that the action of the department in denying compassionate appointment to the applicant is based on sound grounds. The applicant is

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apparently in his twenties and should seek to get
himself gainfully employed in the normal course. The
application therefore fails and is dismissed with no
order as to costs.



Sd/-
1/1/61
(A.N. VUJJANARADHYA)
MEMBER(J)

Sd/-
17/6/7
(V. RAMAKRISHNAN)
MEMBER(A)

TRUE COPY

mr.

Sd/-
28/6
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH
BANGALORE