

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 14 DEC 1994

APPLICATION NO: 1178 of 1994.

APPLICANTS:- Sri.Y.Narasimha Prasad
V/S.

RESPONDENTS:- The General Manager, Bangalore Telecom Dist,
Bangalore ~~and~~

To

1. Sri.H.Basavaraju, Advocate,
M.S.K.S.Building, Sirur Park Road,
Seshadripuram, Bangalore-560 020.
2. Sri.M.Vasudeva Rao, Addl C.GS.C.,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Order- passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 30-11-1994.

Issued on
14/12/94

[Signature]

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[Signature]
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.1178/1994

TUESDAY, THIS THE 30TH DAY OF NOVEMBER, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

Y. Narasimha Prasad,
S/o. Late D. Yathiraj,
Husband of Late Savithri N. Prasad,
No.747, II 'E' Main, II Stage,
Rajajinagar, Bangalore - 560 010. ... Applicant

(By Advocate Shri H. Basavaraju)

Vs.

The General Manager,
Bangalore Telecom District (Karnataka),
Chamber of Commerce Bldg., K.G. Road,
Gandhinagar, Bangalore - 560 009. ... Respondent

(By Advocate Shri M. Vasudeva Rao,
Addl. Central Govt. Stg. Counsel)

O R D E R

Admit.

2. I have heard the applicant who is in person. Albeit, the applicant represented by a lawyer, asked for an adjournment on the ground that his lawyer is unwell, I thought it appropriate to hear the applicant himself, since he was otherwise well acquainted with the grievances made out in the application which is denial of appointment on compassionate grounds in the Telecom Dept. where the applicant's wife Smt. Savithri was serving and had admittedly died in harness.

3. It is common ground that the applicant was gainfully employed in a private firm with Guest Kleen and Williams in Bangalore and had voluntarily separated from them under the "Voluntary Separation Scheme" and had obtained at that time a compensation of Rs.1.00 lakh. These facts are mentioned in the application itself.



4. It does however, transpire that the applicant's wife had been ill for quite some time and was said to be suffering from T.B. due to which she had succumbed in the year 1993. I, however, do not find any material to show the cause of her death. But, be that as it may, I am now told that following the spouse's death, the applicant receives a family pension and has also received other terminal benefits.

5. It is well established that appointments on compassionate grounds are made to the dependents of a deceased employee who dies while in service in order to alleviate the suffering ^{of bereaved} to the deceased family from extinction following the sudden vacuum created by the death of the employee. But, the position in this case is not so desperate as aforesaid. The applicant was himself gainfully employed while the wife was alive and had given up his job by choice and had in return obtained a fairly sizeable compensation of Rs.1.00 lakh. He tells me that he is a technically qualified individual and should therefore not be under any apprehension about securing otherwise a job in the open market.

6. Be that as it may, he now gets a family pension and has also received the terminal benefits. What becomes therefore, clear is that the applicant who survives his wife along with his only son said to be only six years old, is quite capable of earning a living without the support of the department. I, therefore, consider his case to be such as not warranting assistance by the Dept. by giving him an appointment on compassionate grounds. This perhaps is also the view of the department and I cannot say they were wrong in holding such a view. I need hardly emphasise that appointment in this category ^{is} as a matter of fact done in derogation of the recruitment rules and therefore requires careful

and cautious consideration of such claims, ^{are} for generally not countenanced but countenanced only under exceptional circumstances and such exceptional circumstances do not exist in this case and therefore the rejection of the applicant's claim for appointment on compassionate grounds is justified.

7. This application therefore fails and is dismissed.
No costs.

Sd/-

(P.K.SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY
[Signature]
14/12/94
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

