

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00082 /2017

DATED THIS THE 13th DAY OF DECEMBER 2017

HON'BLE DR.KB.SURESH, MEMBER(J)

HON'BLE SHRI P. K. PRADHAN, MEMBER(A)

1.Smt.Lolakshi D.Shriyan,  
W/o Late Damodar Shriyan,  
Aged 57 years,  
residing at Kalyani Narayan Kripa,  
Shivagiri Nagar,  
PO Kulai, Hosabethe,  
Mangalore 26.

2.Manish DS.  
S/o Late Damodar Shriyan,  
Aged 26 years,  
residing at Kalyani Narayan Kripa,  
Shivagiri Nagar,  
PO Kulai, Hosabethe,  
Mangalore 26.

...Applicants

(By Shri Izzhar Ahmed..... Advocate)

Vs.

1.The Cheif Commissioner of Central Excise,  
Bangalore – I Commissionerate,  
Ministry of Finance,  
Department of Revenue,  
CR Building,Queen's Road,  
Bangalore 560001

2.The Union of India,  
through the Secretary,  
Ministry of Finance,  
Department of Revenue,

Jeevan deep Building,  
Parliament Street,  
New Delhi. 110 001.2.

.....Respondents

(By Shri MV.Rao... Counsel)

ORDER (ORAL)

DR.KB.SURESH ..... MEMBER (J):

1. Heard. The matter relates to compassionate appointment. With the help of both counsel we examined the matter and also perused the file which was brought for our examination.

2. The government employee passed away in the year 2006 and death certificate is produced. Apparently, at that point of time the widow applied for job and the department was willing to consider her. After a little while she realised that she is already 52 years of age. Since she felt that her son would have a better innings in government service, she had opted for her son's appointment by an amendment in a request. At this point of time she had given the details of her income and whereabouts. She received a family pension of Rs.18929/- p.m and the benefits received was Rs.1187960/-. The daughter is a Post Graduate, the son is an Engineer and the next son is studying. They have their own house in Mangalore in 5 cents of land.

3. The first ground raised by the applicant is that he has been considered only once but he has the right to be considered at least for 3

times. Therefore, in relation to the death of the government employee we had examined the files and found that he had been considered more than 3 times.

4. The intention behind the compassionate appointment is not to provide as of right to employment but allay any fear of penury when the bread winner of the family suddenly vanishes from the scene. However, that is not the case here. Because the applicant had sought to deprive herself with job to benefit her son and thereby caused delay in which time the consideration has become more stricter in view of more competition. Apparently, on comparative analysis, the level of indigency claimed by the applicant do not lie and we feel after examining the file and hearing both counsel that it was done logically. At this point of time from the records it is clear that there are Post Office deposits for which a monthly interest of Rs.2000/- is also being received by the applicant and therefore, the contention raised by the respondents that they are not in the level of indigence of a special merit to be provided under compassionate scheme. Therefore, we hold that there is no reason to hold the applicant to be eligible. When we examined the records we find that as on 2006 the applicant Mrs. Lolakshi was of the age of 47 years could have been appointed as her date of birth is 15.6.1959. Thereafter 5 years she had rejected it in favour of appointment to her son. There is no hereditary canvassing of appointment under compassionate scheme . It is only a scheme to provide fragment, it has been seen as such as it is an open

derogation as per article 13 of the Constitution of India. Therefore, there is no merit in the OA. OA is dismissed. No order as costs.

(P. K. PRADHAN )  
MEMBER(A)

( DR.KB.SURESH)  
MEMBER(J)

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**Annexures referred to by the applicant in OA No.170/00082/2017**

Annexure A1: Copy of application dated 6.9.2006

Annexure A2: Copy of letter dated 30.1.2008

Annexure A3: Copy of letter dated 16.3.2009

Annexure A4: Copy of letter dated 23.7.2010

Annexure A5: Copy of letter dated 30.1.2012

Annexure A6: Copy of representation dated 30.7.2012 \_

Annexure A7: Copy of letter dated 11.12.2012

Annexure A8: Copy of representation dated 30.1.2013

Annexure A9: Copy of letter dated 25.11.2013

Annexure A10: Copy of impugned order dated 16.4.2015

Annexure A11: Copy of representation dated 8.6.2015

Annexure A12: Copy of representation dated 1.8.2015

Annexure A13: Copy of letter dated 3.11.2015

Annexure A14: Copy of representation dated 4.11.2015

Annexure A15: Copy of DOPT's OM dated 9.10.1998

Annexure A16: Copy of DOPT's OM dated 5.5.2003

Annexure A17: Copy of DOPT's OM dated 26.7.2012

Annexure A18: Copy of letter of postal department dated 20.1.2010

Annexure A19: Copy of DOPT's OM dated 16.1.2013

