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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00221/2018

Wednesday, this the 19th day of December, 2018

CORAM:

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

Ammini Ammal S.,
W/o late Sri.V.S.Rajappan Pillai,
aged 55 years,
residing at Perakathu Veedu Mangaram,
Konni Taluk,
Pathanamthitta,Applicant

(By Advocate Mr.M.R.Hariraj)

V e r s u s

1. The Union of India,
Represented by the Secretary
to the Government of India,
Department of Posts,
Ministry of Communication,
Dak Bhavan,
New Delhi .
2. The Chief Post Master General,
Kerala postal Circle,
Thiruvananthapuram – 695 033.
3. The Superintendent of Posts,
Pathanamthitta Division,
Pathanamthitta -689 645. ...Respondents

(By Mr.N.Anil Kumar, Sr.PCGC for Respondents)

This application having been heard on 5th November, 2018, the Tribunal
on 19th December, 2018 delivered the following :

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ORDER

OA No.221/2018 is filed by Smt.Ammini Ammal, widow of the late Shri.V.S.Rajappan Pillai who had been working as GDSMD, Vellappore under the 3rd respondent when he passed away on 06.02.2011. She is aggrieved by the refusal of the respondents to grant compassionate appointment under Compassionate Appointment Scheme to the applicant. The reliefs sought in the OA are as follows:

- I. Direct respondent to consider the applicant for grant of compassionate appointment in accordance with law.
- ii. Grant such other reliefs as may be prayed for and the court may deem fit to grant and
- iii. To grant the costs of this Original Application.

2. It is submitted that after the death of Shri.V.S.Rajappan Pillai, the son of the applicant had applied for appointment under the above mentioned Scheme. But his request was negative on the ground that he did not possess the necessary relative points when the case was considered by the Circle Relaxation Committee of the respondents. The applicant thereupon decided to apply for employment for herself, as being a widow she was eligible for more marks under the Scheme. The respondents refused to consider her case. On account of ill-health she could not approach this Tribunal on time and there had been a delay of 733 days in filing the OA.

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3. The applicant declares in the OA that she is living under severe penury. The family of the deceased Government servant was granted a Gratuity of Rs.54,247/- and Severance amount of Rs.39000/-. They had run up loans for which the granted amount was insufficient. The family is in possession of 5 1/2 cents of land of their own in which they have a small residential house. With the passing away of the breadwinner the financial situation of the family is extremely precarious. The applicant herself is suffering from severe physical debilities and is on medication. She has no source available to go in for a surgery. As the family of the deceased employee finds itself in extreme financial difficulties, the applicant prays that she may be granted suitable employment under the Scheme.

4. The respondents have filed a detailed reply statement as well as a preliminary statement. They have contested the delay condonation petition in filing the OA stating that no worthwhile reasons have been advanced to explain the long delay. The facts of the case are admitted. Shri.V.S.Rajappan Pillai had passed away while working as GDSMD at Vellappore. Shri.Renjith Kumar R., son of the deceased employee had applied for compassionate engagement in 2012 and his candidature was examined through selection procedure stipulated in Directorate letter No.17-17/2010-GDS dated 14.12.2010. As per these guidelines, all requests for compassionate engagement have to be considered by the Circle Relaxation Committee and this case also was submitted for consideration of the said Committee. Further,

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on considering the relative merit points it was seen that Shri.Renjith Kumar R., had secured only 29 points against the required over and above 50 relative points and the case was not recommended by the Circle Relaxation Committee. When he was communicated the rejection of his case, the applicant in this OA, who is the wife of the deceased GDSMD, submitted a letter dated 09.01.2014 (Annexure R6) seeking employment under the above mentioned Scheme. However, as the request of the one of the dependants had already been considered and rejected, reopening the case for another applicant was not found necessary and the intimation of rejection of the applicant's case was informed to her by letter dated 17.07.2015 (Annexure R7).

5. The Scheme for compassionate appointment is meant to ameliorate the penurious circumstances of a deceased employee's family. As the slots available for appointment are limited, the respondents perforce have to ensure that the benefit of the Scheme goes to the most deserving person. The deceased employee's son's case was considered in all detail by CRC. Having been eligible only for 29 relative points, he was not found fit for granting employment. The very same case is sought to be revived through the applicant's request for appointment. As the details of the case are one and the same, the respondents deemed it not necessary to consider the case all over again.

6. Heard Ms.Lakshmi Omanakuttan for Mr.M.R.Hariraj, learned Counsel for

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the applicant and Mr.N.Anilkumar, learned SCGSC for respondents.

7. It is true that one family member had already filed a request for appointment under the Compassionate Appointment Scheme and was not found fit for grant of employment. Circle Relaxation Committee has been instituted in order to assess the indigence of a particular employee's family. Parameters on which the CRC evaluates each applicant's case have been carefully framed and are meant to ascertain the financial situation of a deceased employee's family. This being so, we cannot dispute the decision that the respondents have arrived at relating to the eligibility of the deceased employee's son. However, that does not stand in the way of the respondents considering the fresh application filed by the widow of the employee. The Scheme is meant for the welfare of a deceased employee's family and maximum consideration has to be afforded to the claims under the said Scheme. After all, these are all made by the family members of the deceased employee who are forced to carry on after the demise of the breadwinner. From this perspective there is nothing wrong in the authorities reconsidering the applicant's case especially when no regulation exists to the effect that rejection of an application from one member of a family would disqualify other members in the family from putting forward a fresh claim.

8. The condonation petition is allowed in view of the justification for delay provided by the applicant. This Tribunal directs the authorities to consider the

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applicant's case in the next meeting of CRC independent of the rejection of her son's application. This shall be done within three months from the date of receipt of a copy of this order. OA is thus allowed as also MA No.269/2018.

(Dated this the 19th of December 2018).

**(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER**

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List of Annexures in O.A. No.180/00221/2018

1. **Annexure A1** – True copy of the request dated 23.8.2014 submitted by the applicant to the 3rd respondent.
2. **Annexure A2** – True copy of the certificate dated 04.04.2011 issued by the Secretary-in-charge of the Primary Co-operative Agricultural & Rural Development Bank Ltd. Pathanamthitta together with English translation of the same.
3. **Annexure A3** – True copy of the Medical Certificate dated 20.02.2018 issued by Dr.Biji A.s., Consultant (O&C), GH Pathanamthitta.
4. **Annexure R1** – True copy of the letter No.B-3/Rel.Rectt/6/2011 dated 09.01.2014.
5. **Annexure R2** – True copy of the letter No.Rectt/7-3/GDS/2013 dated 17.07.2015.
6. **Annexure R3** – True copy of the Directorate letter dated 14.12.2010.
7. **Annexure R4** – True copy of the Directorate letter dated 01.08.2011.
8. **Annexure R5** – True copy of the Directorate letter dated 09.03.2012.
9. **Annexure R6** – True copy of the letter No.B-3/Rel.Rectt/6/2011 dated 09.01.2014.
10. **Annexure R7** – True copy of the letter No.Rectt/7-4/GDS/2013 dated 17.07.2015.
11. **Annexure R8** – True copy of the order dated 19.11.2015 in OA No.1052/2014.
