

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA/310/00919/2018

Dated Monday the 17th day of December, Two Thousand Eighteen

PRESENT

Hon'ble Mr. R.Ramanujam, Member(A)

Rangarajan OM,
S/o O.Maran,
16 Bharathiyar Street,
Karumalaichettypalayam,
Sugarcane Post,
Coimbatore 641 007.

.. Applicant

By Advocate M/s J.Stalin

Vs.

1. Union of India,
Rep., by the Secretary & Director General,
Indian Council of Agricultural Research,
Krishi Bhavan, Dr.Rajendra Prasad Road,
New Delhi-01.

2.The Deputy Secretary (Administration),
Indian Council of Agricultural Research,
Krishi Bhavan, Dr.Rajendra Prasad Road,
New Delhi -01.

3.The Senior Administrative Officer,
Sugar cane Breeding Institute,
Coimbatore -07.

.. Respondents

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"To call for the records on the file of the 3rd respondent in his proceedings bearing Memo No.F1-/2/2012-Estt dated 25.07.2017 at Coimbatore 641 007 and set aside and quash the same as illegal, unjust, incompetent and without jurisdiction and further be pleased to direct the respondents to grant compassionate appointment to the applicant and pass such further or other orders as this court deem fit and proper under the circumstances and render justice."

2. It is submitted that the applicant was aggrieved by impugned order dated 25.07.2017 by which his request for compassionate appointment was rejected on the ground that on the date of death of his father on 14.01.2007, his mother Smt.M.Sundarambal was working as a temporary status casual labour at ICAR-Sugar Cane Breeding Institute, Coimbatore and was drawing pay and allowances, HRA, TA and annual increments at par with the regular Skilled Support Staff of the Institute till she attained the age of 60 years on 16.01.2014. Thus the family was able to sustain and maintain without being driven to a dire pecuniary situation.

3. It is the contention of the applicant that the mere fact that the applicant's mother was employed could not be held against him as he had a right to be considered for compassionate appointment following the death of his father. The applicant's younger brother had applied for compassionate appointment at the relevant time but he also died in the year 2011. Thereafter it was the applicant's right to be

considered for compassionate appointment which had been overlooked in the impugned order.

3. I have considered the pleadings and submission of the learned counsel. The applicant has filed this OA claiming that the impugned order violated the fundamental right and human right of the legal heir of the deceased employee. It is stated that the applicant hailed from a poor family and therefore would have to be granted compassionate appointment. However, the fact that the applicant's mother continued to be in employment till 2014 at par with regular Skilled Support Staff of the respondent institute till she attained the age of 60 years in 2014 is not disputed. The applicant's contention that compassionate appointment is a matter of fundamental right is totally misplaced as the scheme is based on need to provide immediate succour to a distressed family. It is not another avenue for employment to unemployed persons.

4. OA is misconceived and is accordingly dismissed.

M.T.

(R.RAMANUJAM)
MEMBER (A)
17.12.2018