

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00488/2019

Wednesday, this the 10th day of July, 2019.

CORAM:

HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER

Suvishna,
D/o. K. Rathisan (late) & Subashini K.P,
Swathi, Near Kargil Nagar, Chowwa Post,
Kannur District – 670 006., Kerala. - Applicant

[By Advocate Mr. K.A. Mohamed Haris for Mr. P. Shantaram]

Versus

1. The Commissioner, Customs and Central Excise,
Central Revenue Building, I.S. Press Road,
Ernakulam District – 682 018.
2. The Chairman,
Central Board of Excise & Customs,
North Block, New Delhi – 110 001.
3. Union of India represented by its Secretary,
Department of Revenue, North Block,
New Delhi – 110 001. - Respondents

[By Advocate : Mr. E.N. Hari Menon, ACGSC]

The application having been heard on 10.07.2019, the Tribunal on the same day delivered the following:

ORDER

Per: Dr. K.B.Suresh, Judicial Member

Heard counsel on both sides.

2. It appears that a compassionate appointment application had been pending following the death of the Government employee due to allegedly, blood cancer, which had resulted in severe diminishment in

the financial position of the family due to prolonged treatment and the bed-ridden condition of the deceased government employee. Apparently, there are only three daughters for the couple. Two of them were married prior to the death of the government employee and one is till now unmarried. The widow seeks employment for her unmarried daughter, who had apparently completed M.Com.

3. The process of compassionate appointment was held up as a welfare measure so that families will not be left destitute. At this point of time, an argument could be raised that, if the family can survive for the last six years, then the amount of compassion which could be meted out should be distinct and different. But, then it may not be so, as life includes quality of life as well and if on a deliberate delay on the part of the respondents, the matter had been hanging fire till now, it has only added to the prejudice of the applicant. Therefore, the mere fact that she had somehow survived the last seven years cannot be taken as a ground against her, particularly in view of the deliberate nature of the inertia of the respondent.

4. Therefore, there will be a specific mandate to the respondents to pass an appropriate order either granting an employment to the applicant or rejecting it giving specific reasons. It may be taken in at

this point that lack of vacancy should not be a bar as in the last six years time many other vacancies would have been filled. Therefore, if necessary, a supernumerary vacancy will also be created. And, if the fundamentals of appreciation of indigency are settled within that period, on supernumerary settlement also, applicant should be considered.

5. I reserve the right of the applicant to challenge the order, if the order to be passed is against her. The O.A is disposed of with a specific direction that the case of the applicant should be considered and disposed of within the next one month. O.A is allowed to this limited extent. No order as to costs.

(Dated, 10th July, 2019.)

(Dr. K.B. SURESH)
JUDICIAL MEMBER

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Applicant's Annexures

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| Annexure A-1 | - | True copy of the death certificate in Form No.6 issued from Elayavoor Grama Panchayath dated 25.05.2013. |
| Annexure A-2 | - | True copy of the Legal Heirship certificate issued by the Tahsildar, Kannur dated 11.10.2013. |
| Annexure A-3 | - | True copy of the educational certificates of the applicant submitted along with the application before the respondents. |
| Annexure A-4 | - | True copy of the fresh application submitted by the mother of the applicant before the respondents on 05.12.2017 as a reminder. |
| Annexure A-5 | - | True copy of the application submitted by the mother of the applicant before the respondents on 20.02.2018. |
| Annexure A-6 | - | True copy of the acknowledgment received from the office of the 1 st respondent dated 26.10.2018. |
| Annexure A-7 | - | True copy of the intimation received from the office of the 1 st respondent dated 05.11.2018. |
| Annexure A-8 | - | True copy of the payment slips received at the time of registration of RTI article from the Postal Department and the copy of the postal order. |

Annexures of Respondents

NIL
