

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00869/2017

Jabalpur, this Thursday, the 05th day of March, 2020

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER



1. Ku. Saakchhi Rajput D/o Late Shital Prasad,
Aged about 27 years

2. Smt. Nirmala Bai Rajput W/o Late Shital Prasad
aged about 58 years.

Both R/o H.No. 818 behind Seth Nathumal Jain
Girls School, Gorakhpur Jabalpur M.P. 482001
Contact No.9630713568

-Applicants

(By Advocate –**Shri S.P.Tripathi**)

V e r s u s

1. Union of India, Through Secretary,
Ministry of Defence, South Block New Delhi 110001

2. Chairman/DGOF Ordnance Factory Board
10-A S.K. Bose Road, Kolkata 700001

3. General Manager, Ordnance Factory,
Jabalpur (MP) 482005

- Respondents

(By Advocate –**Shri N.K.Mishra**)

ORDER (ORAL)

The applicant No.1 is aggrieved that she has not been granted the compassionate appointment by the respondent department.

2. The undisputed facts of the case are that the father of the applicant No.1 was an employee with the respondent department and he left for his heavenly abode on 11.10.1989. Subsequently, the brother of the applicant was considered by the Department for compassionate appointment. However, vide order dated 24.09.2006 (Annexure A-1) his candidature was rejected as he had concealed information regarding his prosecution in a criminal case. Her brother approached the Tribunal in O.A. No. 850/2006, which was dismissed by this Tribunal on 18.05.2007 (Annexure R/1). Challenging the order of this Tribunal he filed Writ Petition No. 9268/2007(S) before the Hon'ble High Court of Madhya Pradesh at Jabalpur which was dismissed on 01.11.2007 (Annexure R/2).

3. The applicants have submitted that they applied to the respondent department on 05.08.2016 (Annexure A-2) which was



not responded to and therefore they approached this Tribunal in Original Application 1138/2016 which was dismissed on 15.02.2017 (Annexure A-4) as withdrawn with liberty to file fresh O.A.

4. The respondents in their reply have submitted that the application of the applicant dated 05.08.2016 has not been received by the respondents. Further it has been submitted that the case of the compassionate appointment is considered as per Government policy made from time to time and the same is implemented without any violation of rules and regulations. The purpose and object to provide appointment on compassionate grounds is to give immediate relief to the family which was suddenly forced in to indigent condition due to the death of bread winner of the family but in the case of applicant the period of 29 years after the death of Govt. servants has already been elapsed. Therefore, they submit that the Original Application needs to be dismissed.



5. Heard the learned counsel for both the parties and perused the pleadings and the documents available on record.

6. The respondents have categorically averred that the application dated 05.08.2016 (Annexure A-2) has never been received by them. Further, even if it is considered that the application did receive in the respondents' office then also there is an unexplained gap from 01.10.2007 to 05.08.2016 (Annexure A-2).

7. It is a settled principal of law that compassionate appointment cannot be claimed as a matter of right. It is only granted to overcome the immediate indigent condition after the death of the bread winner.

8. In the said case, representation dated 05.08.2016 (Annexure A-2) has been filed after almost 27 years of the death of the employee and after nine years when the Writ Petition was dismissed by the Hon'ble High Court of M.P.

9. The Hon'ble Supreme Court in the matters of ***Umesh Kumar Nagpal vs. State of Haryana and others***, {(1994) 4 SCC 138}, held as under:-



“6. For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole bread-winner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.”



10. In view of the above, I find that there is a very large gap between the death of the employee and the time when the application has been moved. Therefore the basic condition of providing compassionate appointment has already been defeated.

11. Therefore, I do not find any merit in the case. Accordingly, the Original Application is dismissed. No order as to costs.

(Navin Tandon)
Administrative Member

rn