



CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
(CIRCUIT BENCH AT SHIMLA)

O.A.NO.063/00201/2020
 Chandigarh, this the 28th day of February, 2020

HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MS. NAINI JAYASEELAN, MEMBER (A)

Aman S/o Late Sh. Jai Karan Dass, Aged 31 years, R/o
 Village Khashkandi, P.O. Kutara, Tehsil Rohru, District
 Shimla, H.P.

Applicant

(BY: MR. S.D. GILL, ADVOCATE)

Versus

1. Union of India through Secretary Posts to the Govt., of India, Ministry of Communications, Dak Bhawan, Sansad Marg, New Delhi-110001.
2. Chief Postmaster General, H.P. Circle, Shimla-171009.
3. Director Postal Services H.P. Circle, Shimla-171009.
4. Senior Superintendent of Post Offices, Shimla Division, Shimla-171001.

Respondents



O R D E R(Oral)
[HON'BLE SANJEEV KAUSHIK, MEMBER (J)]

1. The applicant has filed the instant O.A. praying for issuance of direction to the respondents to act upon his representation dated 13.2.2019 (Annexure A-5) for appointment on compassionate grounds, on murder of his father on 24.8.2011.
2. Along with O.A., the applicant has also moved an M.A. for condonation of delay under section 5 of Limitation Act, in filing the O.A. praying that there is no intentional or deliberate delay and as such it may be condoned.
3. We have heard learned counsel for the applicant.
4. It is not in dispute that the deceased was murdered on 24.8.2011. The applicant submitted application for appointment on compassionate grounds in 2012 and then kept mum. He did not take any action thereafter and submitted a fresh representation only on 13.2.2019. In (1994) 4 SCC 138, **UMESH KUMAR NAGPAL V. STATE OF HARYANA** the Hon'ble Supreme Court has observed that 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 breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over. In this case, the death took place in 2011 and O.A. is filed in 2019 and we see no emergency, at all, as a family which can wait for 7 years in moving a court of law, cannot be said to be in indigent condition. Secondly, the deceased was murdered and not died in harness and as such even otherwise, his case would not be covered under the Scheme.

5. The facts, as mentioned above compels us to take a view that the MA is too vague, non-specific and lacks any merit and, therefore, is dismissed.

6. The OA shall also stand dismissed accordingly being barred by limitation.

(NAINI JAYASEELAN)
MEMBER (A)

Place: SHIMLA
Dated: 28.02.2020
HC*

(SANJEEV KAUSHIK)
MEMBER (J)