

Central Administrative Tribunal
Principal Bench

...

O.A. No. 251/95

New Delhi, this the 8th day of Nov., 1995

Hon'ble Shri B.K. Singh, Member (A)

1. Smt. Sunita Devi Naithani
widow of Late Shri Jagannath Prasad
resident of Maya Bhawan, Kanti Nagar,
Shahdara, Delhi.
2. Manoj Kumar son of Late Shri Jagan Nath
Prasad, resident of Maya Bhawan,
Kanti Nagar, Shahdara, Delhi.

(By Shri A.K. Bhardwaj, Advocate)

...Applicants

Versus

Union of India through:

1. The Secretary,
Ministry of Defence,
Sena Bhawan, Sough Block,
Central Secretariat,
New Delhi.
2. The Commandor-in-Chief,
Headquarter, Central Command
(EME Branch),
Lucknow.
3. The Record Officer,
OIC Records, Vaidyut Aur Yantrik Engineer,
Abilekh Karyalaya EMC Records,
Secundrabad - 500 021.

..Respondents

(By Shri M.K.Gupta, Advocate)

ORDER (ORAL)

By Hon'ble Shri B.K.Singh, Member (A):

Heard the learned counsel for the parties. It is admitted by both the counsel for the parties that the father of applicant No. 2 died on 24.5.1984. In the latest judgements, the Hon'ble Supreme Court, in the case of

Umesh Kumar Nagpal v/s State of Haryana reported in JT 1994(3) Page 525, have categorically laid down the law that consideration of compassionate appointment is not a vested right to be claimed at any time. The compassionate appointment can be claimed and considered to tide over a financial crisis because of the death of the sole bread winner. It cannot be claimed in future. In this the Hon'ble Supreme Court have categorically stated that the compassionate appointment cannot be claimed in future and cannot be given as a matter of course by the authorities. This is to provide immediate succour and when the crisis is over and family has been able to sustain itself without a compassionate appointment, no compassionate appointment can be claimed or given. In the light of this law laid down by the Hon'ble Supreme Court and also in the case of LIC of India V/s. Asha Ram ChanderAmbedkar reported in 1994(2) Page 183 that the courts are not to be guided by their own instinct, emotions, mercy and impulses but have to be guided by the cold logic of law which is the epitome of all wisdom. As such we cannot confer banidiction on anyone against the law. The latest law, as stated above, clearly envisages that this is to tide over an immediate crisis and since the crisis period was in 1984 and the family has been able to sustain itself without compassionate appointment for more than a decade, there is no justification for grant of a compassionate appointment. The Hon'ble Supreme Court says that consideration of a compassionate appointment is also not a vested right to be claimed at any time. They have said that the claim cannot be considered after ^a lapse of time. Thus, no direction can be issued in this. Since the matter is already under consideration with the respondents, they

should take appropriate decision in the matter within a period of six months from the date of receipt of this order.

With these above observations, the O.A. is disposed of but without any order as to cost.

(B.K. SINGH)
Member (A)

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