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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI

O.A. No. 591 of 1995 Date: 16th August, 1995

HON'BLE MR. J.P. SHARMA, MEMBER (J)

HON'BLE MR. S.R. ADIGE, MEMBER (A)

1. Smt. Sunder Devi,
W/o late Shri Roshan Lal,

2. Shri Rakesh Kumar,
S/o Late Shri Roshan Lal,
R/o Q.No. 1/13/199,
Ordnance Factory Estate,
Muradnagar (Ghaziabad),
U.P.

... APPLICANTS

(By Advocate: Shri V.P. Sharma)

VERSUS

1. Union of India through the
Secretary,
Ministry of Defence, Govt. of India,
New Delhi.

2. The Director General,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta.

3. The General Manager,
Ordnance Factory,
Muradnagar,
Distt. Ghaziabad, U.P.

.... RESPONDENTS
(By Advocate: Shri V.S.R. Krishna)

ORDER (ORAL)

HON'BLE MR. J.P. SHARMA, MEMBER (J)

Applicant No.1 Smt.Sunder Devi is a widow and applicant No.2 is the son of Late Shri Roshan Lal who died in harness on 24.11.90. Since the family of the deceased was found in indigent circumstances, applicant No.2 Shri Rakesh Kumar was given compassionate appointment to the post of Labourer 'B' by the Respondent No.3.

2. The grievance of the applicant is that the applicant is over-qualified for that post and he has undergone Computer Data Entry

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training for two months besides ITI Course in Fitter General Trade; that the offer of appointment vide letter dated 19.12.91 is not commensurated with the educational and technical qualifications; that the applicant had filed representation, which has not been disposed of, on 10.2.94, praying for a direction to the respondents to consider the applicant No2's case and give appointment to the post commensurated with his qualifications.

3. The respondents filed their reply contesting the contents of the O.A. The stand of the respondents is that in view of O.M. 14014/4/6/86-Estt(D) dated 30.6.87 (Annexure-R1) when a person has accepted a compassionate appointment to a particular post, the set of circumstances which led to his initial appointment should be deemed to have been ceased to exist and thereafter the person who has accepted the compassionate appointment to a particular post should strive in his career like his colleagues for future advancement and claim for appointment to a higher post on consideration of compassion should invariably be rejected.

4. We have heard Shri V.P.Sharma for the applicant who desired certain time to file rejoinder but later on argued the matter and Shri V.S.R. Krishna for the respondents.

5. The compassionate appointment is not a matter of right. It is an appointment to rehabilitate the family of a deceased employee if his (deceased) family is in indigent circumstances. It is also an appointment where the rules are relaxed and there is no competitive spirit in the matter. When once the appointment is accepted voluntarily then

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there remains no scope for asking change for better prospects in the career. The appointment is solely given to rehabilitate the family of the deceased employee, and not to accommodate to a ward of the deceased. Learned counsel for the applicant could not show any law that at a subsequent stage when an earlier appointment has already been accepted, a second representation can be made for giving appointment on compassionate appointment. It was for the applicant himself to see whether the offer of appointment was commensurated with the educational and technical qualifications, before accepting the same^{and}/he could have made a representation to the respondents that his services may be utilised for a better job, instead of Labourer 'B'.

6. In view of above facts and circumstances, we do not find any merit in the O.A. and it is dismissed. No costs.

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S.R. Adige
(S.R. ADIGE)
MEMBER (A)

J.P. Sharma
(J.P. SHARMA)
MEMBER (J)