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CENTAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 1545/96

New Delhi this the 31st day of July, 1996.

Surinder Singh,
S/o late Shri Balbir Singh,
C/o Shri Sagar Singh,
House No. 2636, Jawahar Colony,
NIT, Faridabad (Haryana).

...Applicant.

By Advocate Shri D.S. Garg.

Versus

1. The Manager,
Government of India Press,
Faridabad-121001.

2. The Director of Printing,
Ministry of Urban Development,
Government of India,
Nirman Bhawan,
New Delhi-110001.

...Respondents.

Hon'ble Shri R.K. Ahooja, Member(A).

The father of the applicant, who was working in the Govt. of India Press, died in harness on 29.10.1987 leaving behind his widow and three sons, of which the applicant was the youngest, and one unmarried daughter. The eldest son of the applicant was living separately. The widow applied to the respondents for appointment on compassionate ground of the second son Raj Kumar who was aged 27 years. She was, however, informed that the name of Raj Kumar did not appear in the list of family members furnished to the respondents by her husband and, therefore, he could not be considered for employment. She was, therefore, advised to apply for employment of any of her other wards, who were actually dependent upon the deceased. She then made an

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Application for her younger son, the applicant in the present case. The applicant was called for the interview on 18.7.1988 and thereafter information was asked as regards the date from which the eldest son Mohan Singh had started living separately as also photo copies of Ration Cards of two periods, i.e. before the death and after the death of the deceased Govt. servant. Further queries were made from the widow including the particulars of the land being cultivated by the eldest son and the total land possessed by the family. The widow was also asked to explain the omission of such particulars in the application for compassionate employment as she had stated that there was no moveable and immoveable properties and income therefrom by the family. The respondents finally declined the request of the widow vide their letter dated 15.4.1991, on the ground that the family had agricultural land which provided additional income and also because there was no vacancy in the compassionate grounds quota. The applicant states that a memorial was given to the Minister of Urban Development against this decision on 21.6.1992 and to the Prime Minister on 4.12.1995. Having not succeeded in eliciting a favourable response, the applicant has come to this Tribunal.

2. The counsel for the applicant has also filed an application for condonation of delay vide MA 1465/96. The grounds adduced therein are that the applicant had been all these years pursuing the matter with the respondents and after receiving

the letter of refusal in 1991 had sought to explore all possible avenues of review before taking recourse to this Tribunal. He has also pleaded ignorance of law as regards limitation.

3. I have heard the learned counsel. The father of the applicant died way back in, 1987. - This application has been filed after a lapse of nine years. Even the respondents had rejected the request for employment five years ago in 1991. As held by the Supreme Court in 1996(1) SLR (SC)7, Jagdish Prasad Vs. State of Bihar, the object of appointment is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Similarly, in State Haryana/Electricity Board Vs. Naresh Tanwar, JT 1996(2) SC 542, it has been held that the compassionate appointment is not a vested right which can be exercised at any time in future - it cannot be claimed and offered whatever the lapse of time and after the crisis is over. The head of the family died, as already stated, nine years ago, the family had three male members of which the eldest son was employed and living separately; the widow is in receipt of a family pension though it is claimed that the terminal benefits in terms of GPF, etc. were utilised by the family on the marriage of the daughter. The family also owns land on which the additional income is available. The applicant is now 33 years old and it cannot be said that he is dependent on his mother.

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4. In the circumstances of the case, I do not consider that there are any grounds for condonation of delay. Even on merits, as stated above, the respondents had reasonable grounds for taking their decision to refuse compassionate appointment, in view of the fact that there is a family pension and the family owns some land. Therefore, the application deserves to be and is dismissed at the very threshold. ^h~~No costs.~~

R. K. Ahooja
(R.K. Ahooja)
Member (A)

'SRD'