

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1571/2000

New Delhi, this the 9th day of August, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDG.)

(3)

Shri Vinod Prasad Notiyal, Age 21 Yrs
S/o Late Shri Paras Ram
18/2, Vayusenabad,
Tughlakabad,
New Delhi-110062.
(By Advocate: Shri N.C. Chaturvedi)

-APPLICANT

Versus

1. Union of India Through
The Secretary,
Ministry of Defence,
New Delhi.
2. The Director General
Ordnance Factories,
6, Esplanade East,
Calcutta.
3. General Manager,
Ordnance Cable Factory,
Chandigarh.
(By Advocate: Shri A.K. Bhardwaj)

-RESPONDENTS

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judg.)

This application has been filed under Section 19 of A.T. Act, 1985. Applicant is aggrieved by an order dated 3rd November, 1991 passed by the respondents whereby application of applicant dated 2nd September, 1999 seeking appointment on compassionate grounds had been rejected.

2. Facts in brief are that the applicant's father who was working with respondents allegedly died in harness on 6th May, 1989. Applicant is seeking appointment on compassionate grounds and has filed an application but on 14th September, 1999 the Department had rejected the same stating that the objective of the relevant rules on the subject is to provide immediate assistance to the bereaved family to tide over the

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financial hardships of the family due to sudden demise of the bread earner. In this case the deceased expired on 6th May, 1989 and the family has been able to manage its financial crises for over a period of 10 years. It shows that applicant's family had been able to manage its financial resources, so the Department had rejected the same.

3. Applicant has admittedly filed this application after ten years for appointment on compassionate grounds.

4. Learned counsel for the applicant further states that applicant could not file an OA earlier since the applicant's family is residing in Uttarkashi, and at that time a severe earthquake had occurred which had taken out their shelter also so the applicant's family was in sad condition, he could not come to the authorities for compassionate appointment.

5. Learned counsel for the respondents have mentioned that plea of the applicant has no force as according to the document on record filed by the applicant itself, the earthquake had occurred in the year 1991. After 1991 for two years the applicant had not made any application for compassionate and moreover the plea of earthquake itself was taken only in rejoinder which is not maintainable. The learned counsel for the respondent also relies on Supreme Court's judgement in the case of Umesh Nagpal Vs. Union of India JT 1994 (3) SC 525.

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6. In my view also the purpose of Scheme of grant of appointment on compassionate ground is to help the family of employee to tide over immediate financial crisis so that the family is not left in lurch to starve. In this case since the applicant has not asked for compassionate appointment immediately after the death of his predecessor that show that the family had managed the financial crisis so now the case of applicant cannot be considered for grant of appointment on compassionate grounds. (B)

7. In view of the above, application has to be rejected. Accordingly the same is rejected. No costs.


(KULDIP SINGH)
MEMBER (JUDIL)

/kd/