

(2)

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 2022/2000

New Delhi this the 28th day of September, 2000

Hon'ble Shri V.K. Majotra, Member (A)

Krishan Kumar  
S/o late Shri Dayanand  
Village & Post Office-Nirthan  
P.S. Sadar Sonapat  
District-Sonapat  
Haryana.

-Applicant

(By Advocate: Shri Arvinder Singh)

Versus

Govt. of National Capital  
Territory of Delhi  
Through its Chief Secretary  
Through Commissioner of Police,  
Delhi Police Head Quarters,  
M.S.O. Building, I.P. Estate,  
New Delhi-110002.

-Respondent

ORDER (Oral)

By Shri V.K. Majotra, Member (A)

This application is made against the order dated 2.8.2000 whereby the request of the applicant for compassionate appointment has been rejected by the respondents (Annexure-A).

2. I have heard Shri Arvinder Singh, learned counsel for applicant. According to him, the applicant's father who was a Constable in Delhi Police died on 3.11.1972 in harness. The applicant was 22 days old only at the time of the death of his father. The other members of the family of the deceased were applicant's mother and six sisters. Applicant's mother made an application in 1991 to the Commissioner of Police, Delhi to provide compassionate employment to the applicant. Another

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application was submitted on 7.10.1992. The applicant was directed to undergo physical measurement etc and was given an assurance for compassionate appointment. However, vide Annexure-A dated 2.8.2000 his application for compassionate appointment was rejected. The learned counsel of the applicant has stated that ever since the death of the deceased Government employee, the family has been *passing* through a financial crisis and as there is no earning member in the family till now the entire family is facing the same difficulty even today. Learned counsel drew my attention to the ratio in the matter of Sushma Gosain Vs. Union of India (1988) 4 SCC 468 in which it has been held as follows:-

"In this case, the applicant had applied for appointment on compassionate grounds on the sad death of her husband in, November, 1982. She was subjected to a written test in January, 1983 and called for interview also. She also passed the trade test but she was not actually appointed and ultimately she was denied the appointment on the ground that a subsequent Central Government notification dated 25.1.1985 prohibited appointment of ladies in the establishment. The Supreme Court held that there was no valid reason to delay her appointment till 1985 when the ban on the appointment of ladies was imposed. The Court directed for her appointment, in Delhi itself, within three weeks from the date of judgment i.e., 25.8.1989, with costs quantified at Rs. 15,000/- to be paid within the same three weeks".

3. He has also referred to another judgment of the Hon'ble Supreme Court in the matter of Balbir Kaur Vs. Steel Authority of India Ltd. in Civil Appeal No. 11182 of 1996.

4. I have considered the arguments advanced by the learned counsel of the applicant and the material available on record.

5. In the case of Sushama Gosain (supra) the applicant had made an application for compassionate employment immediately after the death of her husband. The respondents had rejected her application on the ground that the Central Government had prohibited appointment of women in the establishment by a Notification dated 25.1.1985. The facts in the present case vis-a-vis those of Sushma Gosain's case (supra) are distinguishable. Whereas in the case of Sushma Gosain, the application had been made within a period of less than a year from the death of the deceased Government employee. In the present case, whereas the Government employee died in 1972, the application for compassionate employment was made for the first time in 1991 i.e. after a period of 19 years. The objective of the Central Government Scheme to offer employment on compassionate grounds to one of the Members of the family of a deceased Government employee is to provide immediate succour to the family which is passing through financial hardship immediately after the death of the deceased. In the present case, when the application was made 19 years after the death of the Government employee and now that about <sup>16</sup> 28 years period has already passed since the death of the Government employee, the financial health of the family cannot be considered in relation to the period of death of the Government servant.

6. As per the ratio of Umesh Kumar Nagpal Vs. State of Haryana & Ors. JT 1994 (3) SC 525 "the compassionate employment cannot be granted after a lapse of a reasonable period. 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".

7. The fact that the respondents <sup>S.O</sup> considered the claim of the applicant and asked <sup>th</sup> ~~him~~ to undergo physical measurement etc. does not bind the respondents to offer compassionate employment to the applicant compulsorily even if ~~the facts are~~ <sup>th</sup> against the spirit of the instructions on the subject and against the ratio of relevant judicial pronouncement.

8. Having regard to what is stated above, the facts and circumstances of the case and the ratio in the case of Umesh Kumar Nagpal Vs. State of Haryana & Ors (Supra), I do not find any infirmity in respondents' order (Annexure-A) dated 2.8.2000.

9. The OA is dismissed accordingly being devoid of merit.

V.K. Majotra  
(V.K. Majotra)  
Member (A)

cc.