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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.2894/2004
MA No.2405/2004

New Delhi this the 4th day of July, 2005.

HON'BLE MR. SHANKER RAJU, MEMBER (J)

Kavita Verma,
D/o late Smt. Veermati,
Ex-Mazdoor,
Office of Garrison Engineer (North),
Meerut Cantt,
R/o Kavita Verma,
C/o Sh. Sunder Lal Verma,
House No.154,
Chhota Begum Bagh,
Meerut.

-Applicant

(By Advocate Shri G.D. Bhandari)

-Versus-

Union of India, through:

1. The Secretary,
Ministry of Defence,
Government of India,
New Delhi.
2. The Chief Engineer,
Central Command HQ,
Lucknow.
3. The Garrison Engineer (North),
Meerut Cantt.
4. The Chief Engineer BZ,
Sarvatra Bhawan,
Station Road,
Bareilly.
5. The E-in-C (ESP-4),
Army Headquarters,
DHQ PO, New Delhi.

-Respondents

(By Advocate Shri R.N. Singh)

ORDER

Applicant, an unmarried daughter of deceased Birmati, her mother who died while serving as Mazdoor on compassionate

appointment on the demise of her husband sought quashing of impugned order dated 19.9.2002 whereby her request for compassionate appointment has been turned down.

2. Mother of applicant got compassionate appointment and died in harness on 1.3.1997. At that time the family consisted of two unmarried daughters, the elder one when applied family pension was accorded to her and as she was married on 11.1.1999 applicant was accorded family pension which continued till 2003 when she attained the age of 25 years.

3. Earlier the claim of applicant was turned down on 1.8.2002 by observing that there exist no vacancy within the 5% quota and also the claim is belated. However, the impugned order rejected the her claim on merit as well as on delay.

4. As the OA was filed in October, 2004 MA-2405/2004 has been filed for condonation of delay stating that on stoppage of family pension the family consisting of applicant of the deceased is still indigent. As such the claim for compassionate appointment.

5. Learned counsel for applicant Shri G.D. Bhandari contended that the claim of applicant though strongly recommended by the Garrison Engineer has not been given effect to and rejection of the claim of applicant on two occasions is on different grounds. In this backdrop it is stated that the delay in filing the OA be condoned and on relaxed conditions on a recurring cause of action when there is no source of income to applicant, her case be considered for compassionate appointment.

6. Shri R.N. Singh, learned counsel for respondents put a strong objection on limitation by referring to the Constitution Bench decision of the Apex Court in **S.S. Rathore v. State of**

M.P., AIR, 1990 SC 10. Learned counsel has also cited the following decisions to contend that though the mother of applicant died in 1997 when the very object of compassionate appointment is to immediately redress the family from financial crises is frustrated appointment on the basis of succession or reservation cannot be accorded:

- i) **Veer Mohd. v. Municipal Corporation of Delhi**, 95 (2002) DLT 663 (DB).
- ii) **Haryana State Electricity Board & Anr. V. Hakim Singh**, 1999 (1) SC 114.
- iii) **Umesh Kumar Nagpal v. State of Haryana & Ors.**, JT 1994 (3) SC 525.
- iv) **Sanjay Kumar v. The State of Bihar & Ors.**, JT 2000 (10) SC 156.

7. I have carefully considered the rival contentions of the parties and perused the material on record.

8. The decision of the Apex Court in **Sanjay Kumar's** case (supra) clearly ruled that the object of compassionate appointment is to give immediate relief to the family of the deceased and such an appointment cannot be claimed as a matter of right or by way of reservation.

9. In **Umesh Kumar Nagpal's** case (supra) the above view was re-iterated.

10. However, the High Court of Delhi in **Veer Mohd.'s** case (supra) clearly ruled that application after 8 years from the death of the father no compassionate appointment can be accorded.

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11. In **Hakim Singh's** case (supra) after long years of death compassionate appointment cannot be a lien or in the line of succession.

12. Though the mother of applicant died in 1997 applicant continued to be disbursed family pension till she attained the age of 25 years. After having considered her case the rejection does not suffer from any legal infirmity. Whereas the mother died in 1997 the claim of applicant made now, seeking appointment after 8 years from her death, by no stretch of imagination raises a presumption of immediate assistance to the family to redress financial crises. The object of compassionate appointment is not to perpetuate the line of succession or reserve a vacancy for a candidate.

13. In this view of the matter, the OA is found bereft of merit and is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)