

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1626/2004

New Delhi this the 7th day of July, 2004

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

Naveen S/O Late Shri Raghbir Singh,
R/O H.No.568A/33, Ram Nagar,
Kathmandi Rohtak.

(By Advocate Shri Anil Hooda)

..Applicant

VERSUS

2. Council of Scientific and
Industrial Research through its
Director General
Shri R. A . Mashekar at
Anusandhan Bhawan, Rafi Ahmed,
Kidwai Marg, New Delhi.

2. National Physical Laboratory,
(CSIR) through its Director,
Vikram Kumar at Dr.K.S.Krishnan Road,
New Delhi.

..Respondents

O R D E R (ORAL)

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

The applicant, Shri Naveen, has filed this application under Section 19 of the Administrative Tribunals Act, 1985 claiming the following reliefs:-

" That the applicant may be given job in place of his father on compassionate grounds on the same post on which applicant's father was working at the time of death by respondents and they be directed to do so.

2. It is stated that the applicant's father, Shri Raghbir Singh, an employee of respondent No.2 was working as Technician VII. He died in harness on 26.7.2001. Since the applicant's father was the only earning member of the family an application for compassionate appointment was immediately made which was rejected vide letter dated 13.9.2001 (Ann.A.3) on the ground that the present age of the applicant was only 17 years and could not be

Adv. Anil Hooda

3

employed because of being minor. However, the respondents advised the applicant's mother to make a fresh request after attaining majority by the applicant. Thereafter the applicant has been making requests for compassionate appointment from time to time. The impugned order dated 29.1.2004(Ann.A.4) has been addressed to the applicant's mother informing her that your application for appointment on compassionate grounds has been considered in various meetings. It was further informed to her that there being only limited vacant posts, the appointment on compassionate ground could not be given to the present applicant in the OA. Learned counsel stated that even thereafter the applicant has made fresh request on 5.2.2004 (Ann.A.5). Learned counsel stated that the applicant's name could be placed in the waiting list and he could be appointed on compassionate grounds whenever any vacancy arises in future.

3. The facts of the case as well as arguments advanced on behalf of the applicant have been considered. The object of Compassionate appointment is to tide over financial hardship by providing employment immediately on the loss of the sole bread winner. In this case, the applicant's father who was working with the respondents died on 26.7.2001. On the date of his death, the applicant was minor and therefore, his case could not be considered for giving compassionate appointment. In the circumstances, the respondents properly advised the applicant's mother to make a fresh request after attaining the age of majority of the applicant. Such request appears to have been made subsequently. However, the respondents in the impugned order dated 29.1.2004 (Ann. A.4) have stated that the case of the applicant has been considered in various meetings. However, in view of non availability of posts, the case of the applicant could not be forwarded for appointment on

Amrinder



compassionate ground. No infirmity has been pointed out in the order of the respondents. As a matter of fact the respondents had rejected the request on the ground that the applicant was minor. However, they entertained the applicant's case thereafter. The basic object of the Scheme of compassionate appointment does not allow the matter to be kept in abeyance for indefinite period. Even by the subsequent Circular of DOP&T dated 5.5.2003 earlier consideration on compassionate appointment after one year has been relaxed but even that relaxation period has already expired in this case. Therefore there is no justification to interfere with the order of the respondents. This application is, therefore, rejected at the admission stage itself without any order as to costs.

4. At this stage, learned counsel of the applicant stated that the respondents may not be debarred from considering the representation of the applicant already made. It is clarified that this order will not come in the way of the respondents and if they choose to pass any order on the subsequent representation dated 5.2.2004 (Annexure A.5), the respondents will be at liberty to do so.

(R.K.UPADHYAYA)
ADMINISTRATIVE MEMBER

sk