

Central Administrative Tribunal  
Principal Bench: New Delhi

O A. No. 2695/92

(b)

New Delhi this the 1st day of December 1997

Hon'ble Shri K. Muthukumar, Member (A)  
Hon'ble Dr. A. Vedavalli, Member (J)

1. Smt. Anch Devi Wd/o Shri Thandu Ram
2. Deep Chand S/o Shri Thandu Ram,  
C/o Badri Narain Yadav,  
Mahendra Agency, Cloth Market,  
Delhi-6.

.....Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India, through,  
The General Manager,  
Western Railway, Church Gate,  
Bombay.
2. The Divisional Railway Manager,  
Western Railway, Jaipur.
3. The Asstt. Engineer,  
Western Railway, Alwar.

.....Respondents

(By Advocate: None)

ORDER (Oral)

By Hon'ble Shri K. Muthukumar, Member (A)

This application is filed by the widow of late Shri Thandu Ram alongwith her minor son Deep Chand for compassionate appointment of the minor son. It is stated that the Railway employee Shri Thandu Ram died in accident on 13.8.62 while performing his duties. Applicant No.2 viz; Shri Deep Chand is stated to have been born on 10.9.60 and passed his graduation in the year 1983 and thereafter he made a representation for compassionate appointment. This representation for compassionate appointment was rejected on the ground that the applicant No.2 was not eligible for appointment. The respondents have also stated that normally

compassionate appointment is given to the eligible major son at the time of the death of the employee. The applicant contends that after his graduation in 1983 he has become eligible for appointment.

(A)

2. Learned counsel for the applicant submits that respondents have filed a reply and the same has not been placed on record.

3. We however proceed on the basis of the pleadings in the application. According to the scheme of compassionate appointment, compassionate appointment shall be given within a period of 5 years from the date of occurrence of the event entitling the eligible person. Normally the person appointed on compassionate grounds should fulfil the conditions of eligibility regarding age and educational qualifications for appointment to the post or grade concerned. However, the upper age limit may be freely relaxed on the merits of the cases. According to the Annexure A-1 the applicant had completed graduation only in 1983. Applicant's father died in 1962 and the application for compassionate appointment was preferred only in 1983 after the graduation of the applicant. Applicant has no right for compassionate appointment. Even the impugned order was passed in 1988 the applicant had filed an application in 1992. Learned counsel for the applicant submits that earlier also the matter was preferred in Jodhpur Bench but the widow had not joined the application and the other applicant had withdrawn that case and thereafter this case has been filed. In any case this cannot be a reason for relaxing the ground of limitation. Compassionate appointments are by way of exceptional circumstances for giving some immediate relief. In this case the applicant was minor and completed his

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graduation only in 1983 and thereafter he had applied for compassionate appointment. In the circumstances we do not find any illegality or irregularity in rejecting the representation. In the circumstances this application is dismissed as devoid of merit. No costs.

A Vedavalli

(Dr. A. Vedavalli)  
Member (J)

K Muthukumar

(K. Muthukumar)  
Member (A)

cc.