

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

O.A.No./ ~~FFA~~-No. 1092 of 1996

Date of decision 4/5/99

Nain Bahadur Thapa

Applicant(s)

C/A Shri G.D.Mukherjee, Advt.

COUNSEL for the  
Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Shri S.C.Tripathi, Advt.

Counsel for the  
Respondent(s)

C O R A M

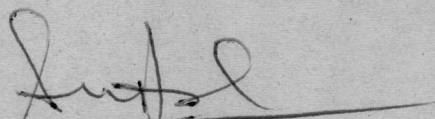
Hon'ble Mr. S.K.Agrawal

~~V.G.~~/Member(J)

Hon'ble Mr. -x-

Member ( )

1. Whether Reporters of local papers may be allowed to see the judgment? No
2. To be referred to the Reporters or not ? Yes
3. Whether their Lordship wish to see the fair copy of the judgment ? Yes
4. Whether to be circulated to all Benches ? No

  
( SIGNATURE )

MANISH/

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NO. 1092 OF 1996

Allahabad, this the 4th day of May, 1999.  
CORAM : Hon'ble Mr.S.K.Agrawal, Member(J)

Nain Bahadur Thapa,  
S/o. Late Ghan Bahadur Thapa,  
R/o. Village Inderpuri Farm,  
Post Office Clement Town,  
Dehradun

.....Applicant

C/A Shri G.D.Mukherjee, Advocate

Versus

1. The Union of India through the Secretary,  
Ministry of Defence, South Block,  
New Delhi.
2. Director General Ordnance Services, New Delhi.
3. Commandant 6 Field Ordnance Depot  
C/o. 56 A.P.O.

.....Respondents

C/R. Shri S.C.Tripathi, Advocate.

ORDER

(By Hon'ble Mr.S.K.Agrawal, Member(J))

In this original application applicant makes a prayer to direct the respondents to consider the applicant on compassionate grounds taking in to consideration the educational qualifications.

2. In brief, facts of the case as stated by the applicant are that the applicant's father was employed as Civil Mazdoor under respondent No.3 and was died in harness on 24-2-82 leaving behind him his widow, one daughter, and one son. The mother of the applicant made

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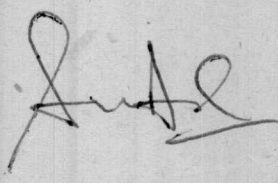
an application for appointment on compassionate grounds on 10-2-83, thereafter so much correspondence was exchanged till 1995, but the applicant was not considered for the appointment on compassionate grounds so far. It is stated that the applicant is at the verge of starvation, therefore, by this original application applicant sought relief as mentioned above.

3. Counter was filed. It is stated in the counter that one son of the deceased is already in Army service and mother is getting family pension, therefore no indigent circumstances exist and the applicant is not entitle to any relief sought for.

4. Rejoinder was filed, reiterating the facts stated in the original application.

5. Heard the learned lawyer for parties and also perused the record forthwith.

6. Learned lawyer for the applicant has submitted that the father of the applicant died leaving his family in harness and indigent circumstance still exist so as to consider the case of the applicant for compassionate appointment, therefore, necessary direction be given to respondents to consider the case of the applicant for compassionate appointment. In support of his contention he has referred -

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- i) Angoori Devi & Another V. Union of India & others (1991) 16 ATC 918.
  - ii) Phool Kumari V. Union of India & Others (1993) 23 ATC 548.

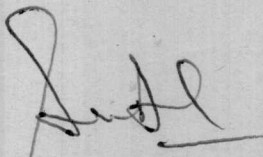
7. In Angoori Devi V. UOI & Others it was held

that the fact that the family is having a house and some land for cultivation and that widow has got the terminal benefits, including pension, is not sufficient ground to deny compassionate appointment.

8. In Phool Kumari Vs. UOI & Ors. it was held that the main object of compassionate appointment is related to the need for immediate assistance to the family in distress. Humane approach has to be followed in dealing with such cases.

9. On the other hand, learned lawyer for respondents has submitted that father of the applicant died in 1982, no indigent circumstance exist in the family at present, so as to consider the case of the applicant for compassionate appointment, therefore applicant is not entitle to the relief sought for.

10. It is an admitted position that applicant's mother is getting family pension and applicant has completed almost 30 years of age and his sister has also completed the age of 31 years. On the perusal of the pleadings of the parties it does not appear at all that indigent circumstance still exist in the family of the deceased. In Umesh Kumar Nagpal Vs. State of Haryana (1994) 4 SCC 138 a Bench of two Judges has pointed out that the whole object of granting compassionate employment is to enable the family to tide over the sudden crisis, the object is not to give a member of such family a post much less a post hold by the deceased.



11. In Jagdish Prasad Vs. State of Bihar (1996) 1 SCC 301 Hon'ble Supreme Court has observed that "the

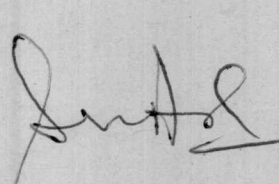


very object of appointment of a dependent of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family". The Honble Supreme Court also pointed out that if the claim of the dependent which was preferred long after the death of deceased employee is to be countenanced it would amount to another mode of recruitment of the dependent of the deceased Government servant "which cannot be encouraged, dehors the recruitment rules."

12. The Supreme Court in the recent judgement reported in (1998) 5 SCC page 192 in the case of Director of Education and another Vs. Others held -

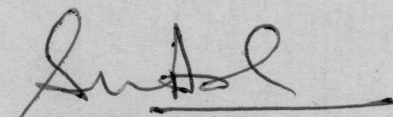
"The object underlying a provision for grant of compassionate employment is to enable the family of the deceased employee to tide over the sudden crisis resulting due to death of the bread earner which has left the family in pecury and without any means of livelihood. Out of pure humanitarian consideration and having regard to the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet, a provision is made for giving gainful appointment to one of the dependents of the deceased who may be eligible for such appointment."

13. In the instand case the deceased employee died in 1982, therefore looking to the facts & circumstances of this case and legal position cited as above, applicant is not entitle to be considered for the appointment on compassionate grounds after such a long lapse. If the



same is permitted in this way it amounts to another mode of recruitment of the dependents of deceased Government servants which cannot be encouraged, dehorse the recruitment rules.

14. Accordingly this application fails and is hereby dismissed with no order as to costs.

  
MEMBER(J)

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