

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 5th day of November 2001.

CORAM : HON. MR. S. DAYAL, A.M.

OA NO.1011 of 1998.

1. Smt. Jagrani w/o Late Sri Kanhaya Lal r/o H.No.75/1, Bhajjapurw a Cantt, Kanpur.
2. Prem Chandra s/o Late Kanhaya Lal r/o H.No.75/1, Bhajjapurwa Cantt, Kanpur.

..... Applicants.

Counsel for applicants - Sri Shrish Chandra.

Versus

1. Union of India through The Secretary, Ministry of Defence, New Delhi.
2. Director General, Quality Assurance, Department of Defence Production, D.G.Q.A., Government of India, Ministry of Defence, H.H.Q., P.O., New Delhi.
3. Senior Quality Assurance Officer, Senior Quality Assurance Establishment (G.S.), Post Box No.307, Kanpur.

..... Respondents.

Counsel for respondents - Sri S. Chaturvedi.

O R D E R (ORAL)

(BY HON. MR. S. DAYAL, AM)

This application has been filed for setting aside the order dated 17.4.97 and issuing directions to the competent authority for respondents for suitable appointment on compassionate ground. Case of the applicant is that his father, ~~was~~ was working as Labour having Ticket No.180 as permanent employee in the office of Senior Quality Assurance Officer, Kanpur. His father died on 9.5.68 leaving a widow and applicant No.2, another son and another daughter. The age of the applicant at

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that time was about one and half year. The applicant had moved an application for compassionate appointment after obtaining the required age. The applicant No.1 is getting Rs.150/= as ex-gratia pension vide letter dated 26.3.91. The applicant No.2 was, however, informed that in view of the fact that the rules for compassionate appointment has been made after the death of his father and, therefore, compassionate appointment cannot be given to applicant No.2. Another application was made for appointment of applicant No.2 by applicant No.1 which resulted in the impugned order. Through the impugned order, the applicant No.1 has been informed that her son was not granted permission for appointment on compassionate ground.

I have heard the argument of Sri Ashish Srivastav B.H. of Sri Shrish Chandra and Sri Pankaj Srivastava, B.H. for Sri S. Chaturvedi.

I find that the initial application for compassionate appointment moved on 1.8.83 is claimed to have been replied by the respondents on 22.8.83. Applicant No.1 had been informed that there was no rule regarding granting employment to the dependents of a deceased employee at the time the husband of applicant No.1 died. Thereafter application dated Nil has been made on 10.4.92 and replied to by the impugned letter.

The respondents have mentioned that there was delay in making the first application while the applicant claimed that he was a minor and made application as soon as he was attained the required age.

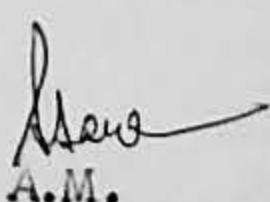
The purpose of compassionate appointment is to grant employment to the indigent family at a time when the family is in need. The application made after a long period of time frustrates the very objective of

compassionate appointment. It is the settled law that compassionate appointment is not to be given to the dependent of all the employees who die in harness. It cannot be claimed as a matter of right.

Counsel for the respondents in this respect has relied on the judgement of C.A.T., Calcutta Bench in O.A. No.1341 of 1993 dated 12.5.94 in which it has been stated that compassionate appointment can be granted only in very exceptional cases. However, in that case the application was rejected because considerable amount has been received by ^{way of} settlement dues.

In the case before us, now it is almost 33 years since the father of applicant No.2 died. Allowing an application for a compassionate employment after this lapse of time would result in injustice to others whose cases were more genuine and who were under consideration after the death of applicant's father. I have already observed that such a case does not fulfil the objective of grant of compassionate appointment. Hence the O.A. is dismissed as lacking in merits.

There shall be order as to cost.


A.M.

Asthana/