

(2)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH**

**ALLAHABAD**

**ORIGINAL APPLICATION NO. 166 OF 2005**

**THIS THE 25TH DAY OF FEBRUARY, 2005.**

**HON'BLE MR. K.B.S. RAJAN, MEMBER-J**

**Ahsan Hassan Khan, S/o late Anseen Khan, R/o Village & Post  
Balepur Bazar, District Deoria.**

....Applicant.

By Advocate : Sri M. Ahmed.

Versus.

1. Union of India through its Secretary, Ministry of Agriculture,  
Government of India, New Delhi.
2. Director, Central Research Institute for Jute & Allied Fibre,  
Indian Council of Agricultural Research, P.O. Barrackpore,  
District 24 Pargana (W.B.).
3. Assistant Administrative Officer, Central Research Institute for  
Jute & Allied Fibre (Indian Council of Agricultural Research  
Barrackpore Kolkata (W.B.)

Respondents

By Advocate Shri Soumitra Singh

**ORDER (ORAL)**

The counsel for the applicant submits that after the demise of the applicant's father the mother of the applicant desired that her son, i.e. the applicant could secure employment under the Compassionate Appointment Scheme and hence it was only when the applicant had attained majority that the applicant could apply for the said post. The Learned Counsel submits that rejection by the respondents of the application for

L

(3)

compassionate appointment filed by the applicant on the ground that the application having been preferred after a long time of fourteen years is illegal.

I have considered the case. The father of the applicant expired in the year\*. At that time the applicant was stated to be of four years of age. The Respondents have rejected the claim of the applicant on the ground that the fundamental spirit behind grant of compassionate appointment is to mitigate the immediate hardship of the family of the employee who died in harness and in this case the application has been preferred as late as fourteen years of the demise of the father of the applicant. This decision is on logical and sound footing. In fact the Hon'ble Supreme court in the case of **Punjab National Bank v. Ashwini Kumar Taneja, (2004) 7 SCC 265**, has clearly laid down the law in matters of compassionate appointment. The Apex Court in page 268 has held as under:-

Courts and Administrative Tribunals cannot confer benediction impelled by sympathetic considerations to make appointments on compassionate grounds when the regulations framed in respect thereof do not cover and contemplate such appointments. Such appointments on compassionate ground have to be made in accordance with the rules, regulations or administrative instructions taking into consideration the financial condition of the family of the deceased. *The purpose of providing appointment on compassionate*

*b*

(51)

ground is to mitigate the hardship due to death of the bread-earner in the family. Such appointments should, therefore, be provided immediately to redeem the family in distress. The fact that the ward was a minor at the time of death of his father is no ground, unless the Scheme itself envisages specifically otherwise, to state that as and when such minor becomes a major he can be appointed without any time consciousness or limit. (Emphasis supplied).

In view of the above this OA fails and is, therefore, dismissed.

No order as to costs.



MEMBER-J