



**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

Hearing by Video Conferencing

O.A.No.170/537/2019 & Order pronounced on:01.10.2021
M.A.No.170/924/2019 (Order reserved on: 14.06.2021)

CORAM: HON'BLE MR. SURESH KUMAR MONGA, MEMBER (J)
(On Video Conference from Central Administrative Tribunal,
Chandigarh Bench, Chandigarh).
HON'BLE MR. RAKESH KUMAR GUPTA, MEMBER (A)
(On Video Conference from his residence at Bangalore)

V. Siri, age about 21 years d/o Late R. Venkatesha Babu,
R/o H-D-21 PWD Quarters,
5th Main, 12th Cross, Jayamahall Extension,
Benson Town Post, 'Bangalore 560046.

Address for Service:

Shri N. Obalappa, Advocate,
No.58/1, Hebbala, Kempapura Main Road,
Near Esteem Mall,
Bangalore-560024.
(By: None for the applicant)

....Applicant

Versus

1. The Union of India, Represented by its Secretary, Min. of Information and Broadcasting, 'A' Wing, Shastry Bhawan, New Delhi-110001.
2. The Chief Executive Officer, Prasar Bharti, I "C" Tower, Doordarshan Bhavan, Copernicus Marg, Mandi House, New Delhi-110001.
3. The Director General, All India Radio, Akashvani Bhavan, Parliament Street, New Delhi-110001.
4. The Director General, Doordarshan, Doordarshan Bhavan, Copernicus Marg, Mandi House, New Delhi-110001.

(By: **Mr. M.V. Rao, Advocate**)

... Respondents

ORDER

Per: SURESH KUMAR MONGA, MEMBER (J)



1. The applicant has invoked the jurisdiction of this Tribunal by way of filing the present original application under Section 19 of the Administrative Tribunals Act, 1985 making therein a prayer for issuance of a direction to respondents to appoint her on compassionate grounds against the 878 DR notified vacancies for the year 2013.
2. Factual matrix of the case is that the applicant's father died while in services of the respondents on 13.4.2014. At that time she was a minor. She had submitted an application on 16.8.2016 in the prescribed format and requested the respondents to provide her a suitable employment on compassionate grounds. Her case was considered by the Compassionate Appointment Committee and since she was found low in the merit on the basis of weightage points in comparison to other candidates seeking appointment on compassionate grounds, therefore, her case was declined on 29.8.2017. After receipt of said order, the applicant failed to file the original application before this Tribunal within the prescribed period of limitation.



3. However, while filing the present Original Application, the applicant has also filed a Miscellaneous Application No.170/924/2019 for condonation of delay of 7 months and 29 days in filing the Original Application.
4. The respondents, by way of filing a joint reply, have joined the defence and have opposed the applicant's claim. It has been pointed out in the reply statement that according to the information furnished by the applicant herself, her father left behind the total assets worth Rs.20,00,644/-. Applicant's mother is also a serving employee in the Home Department of the Karnataka Government and presently she is drawing Rs.6,30,000/- per annum as her salary. Apart from the above, the family is also getting the family pension every month.
5. The applicant was being represented by Shri N. Obalappa, Advocate, who unfortunately expired on 19.2.2021, during pendency of the present original Application. Therefore, on 12.3.2021, the Registry was directed to issue notice to the original applicant for 30th April, 2021. On 30th April, 2021, however, the matter could not be taken up for hearing because of complete lockdown imposed by the State Government in the wake of Covid-19 pandemic and matter was fixed for hearing



on 7.6.2021. On 7.6.2021, when the matter was taken up, it was pointed out that the notice issued to the applicant has been received back with the remarks that no such person was found at the given address. However, still in the interest of justice, the matter was adjourned to 14.6.2021.

6. Nobody has put in appearance on behalf of the original applicant. We have heard Shri M.V. Rao, learned counsel for the respondents.
7. The facts that the applicant herself has furnished the information that her father has left behind the assets worth more than Rs.20 lacs and her mother is a serving employee in the Home Department of the Karnataka Government are not in dispute. The family is in receipt of family pension as per CCS (Pension) Rules, 1972.
8. The object of the Scheme for grant of compassionate appointment to a dependent of a government servant dying in harness is to relieve the family from financial destitution and to enable it to tide over the sudden crisis which has arisen because of the sudden death of the earning member in the family.
9. In the case in hand since the family, in the objective assessment of the Compassionate Appointment Committee, has been found to be in sound financial



condition, therefore, we do not see any reason to interfere with the respondents decision conveyed to the applicant vide order dated 29.8.2017.

10. By now it is well established principle that the compassionate appointment is not a source of recruitment and it is made to provide succour to the family of the employee who dies in harness.
11. The Hon'ble Supreme Court in the case of **UMESH KUMAR NAGPAL VS. STATE OF HARYANA**, 1994 (4) SCC 138, has held that appointments in the public services should be made strictly on the basis of open invitation of applications and merit. No other mode of appointment nor any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interest of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving behind his family in penury and without any means of livelihood.



12. The principles laid down by the Hon'ble Supreme Court in Umesh Kumar Nagpal (supra) have been followed consistently by the Courts and this Tribunal and recently the Hon'ble Supreme Court in the case of **STATE OF HIMACHAL PRADESH VS. SHASHI KUMAR**, 2019 (3) SCC 653, while summarizing the law on the subject has again reiterated those principles.
13. In the facts and circumstances of the case, which have emerged in the case in hand, we do not find any substance in the applicant's claim for appointment on compassionate grounds.
14. Even otherwise, while filing Miscellaneous Application seeking condonation of delay of 7 months and 29 days, the applicant has failed to narrate any reason as to what were the compelling circumstances which restrained her from filing the Original Application within the prescribed period of limitation.
15. In view of the provisions of Section 21 of the Administrative Tribunals Act, 1985, this Tribunal cannot admit an application unless it is made within a period of one year from the date on which a final order is issued by an authority qua the grievance of an aggrieved person. However, an application can be entertained even after the limitation period, if the applicant satisfies



this Tribunal that he/she had sufficient cause for not making the application within such period.

16. The applicant has failed to narrate any sufficient cause for condonation of delay and, therefore, in our considered view, the delay in filing the original application cannot be condoned and the miscellaneous application deserves to be dismissed.

17. In the conspectus of the discussion made hereinabove, the Miscellaneous Application No.170/924/2019 is hereby dismissed and as a consequence thereof, the Original Application is dismissed being barred by limitation.

18. There shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

HC*