

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

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Original Application No. 1598 of 1992

Arun Kumar ::::::: Applicant

Versus

Union of India ::::::: Respondents
and Others

Hon'ble Mr. Maharaj Din, Member (J)

The applicant has filed this application seeking the relief that the orders dated 22.7.89 and 26.3.1991 (Annexure A-2 and A-3) may be quashed and respondents be directed to give employment to the applicant on compassionate ground.

2. Late Manohar Lal father of the applicant was employed as Ex-Air Craft Mechanic, who expired on 23.11.1982, while he was in service of respondents. The applicant Arun Kumar who is the younger son of the deceased employee submitted an application for employment on compassionate ground but, he was refused employment on compassionate ground vide Annexure A -2 and A-3. So he has approached this Tribunal seeking the relief mentioned as above.

3. The respondents filed counter-reply and resisted the claim of the applicant stating that the application of the applicant is barred by limitation and also on the ground that the application

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for compassionate appointment moved by his elder brother was rejected earlier.

4. I have heard the learned counsel for the parties and perused the record.

5. The employment on compassionate ground is not claimed as a matter of right but, the provisions of the same is made to provide the immediate assistance to the bereaved family. Admittedly, the elder son of the deceased employee submitted an application requesting to provide compassionate appointment soon after the death of his father in the year 1983. The application was rejected and the applicant or his family member kept silence and moved the present application for compassionate appointment after a lapse of 8 years. The case of the applicant was not processed because employment to the elder son of the deceased employee was refused. The request of Anil Kumar the elder son of the deceased employee was considered in accordance with the Government policy in three stages but, he could not ^{stand} to the merit due to paucity of vacancies and it was finally rejected vide letter dated 29th Nov./ 1st Dec. 1993. The applicant who is the younger son of the deceased employee had applied for appointment on the same ground, which was also not found in order keeping in view the Employment Assistance Scheme on the basis of comparative financial status of the bereaved family.

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The change of the applicant does not alter the financial position of the family.

6. It has been pointed out by learned counsel for the applicant that vide letter dated 22.6.1989 (Annexure A-2), the applicant was advised to get his name registered with the local employment exchange for suitable employment and his case will be considered incase his name is sponsored by the employment exchange with other candidates. ~~A search~~ ^{If such} letter ^{is} addressed to the applicant or his mother, it would not mean that the respondents are committed to provide employment to the applicant on compassionate ground. This letter was written as a general advice that the name of the applicant may be considered along with other candidates if, otherwise found in order.

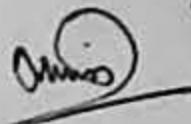
7. Learned counsel for the applicant has referred AIR 1989 Supreme Court 1976 Sushma Gosain and Others Vs. Union of India & Others decided on 25.8.1989 and 1992 SCC(L & S) 135 Phoolwati (Smt.) Vs. Union of India and Others decided on 05.12.1990. The facts of the cases are distinguishable and the law laid down is not applicable to the facts of the present case. The respondents vide letter dated 26.3.1991 (Annexure A-1) has made it clear that the employment under the scheme is intended to provide immediate financial assistance to the bereaved family. As a matter of policy the case received after a lapse of stipulated period of five years are not considered for appointment as it is presumed

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that the family does not have any financial problem. Incase of the applicant 8 years lapsed since demise of his father, therefore, his case was not within the ambit of the scheme.

8. Considering ^{these} facts and circumstances of the case there is no merit in the application of the applicant which is hereby rejected with no order as to costs.


Member (J)

Alla-habad, Dated 22 April, 1994

/M.M./