

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 23rd day of December 1996.

Original application No. 263 of 1993.

Hon'ble Mr. D.S. Baweja, AM

1. Smt. Geeta Devi, W/o Late Sri Chet Ram
(Meter Reader), R/o Vill: Ginginaiya, P.O.
Faridpur Distt. Bareilly (U.P.).
2. Sri Kishan Lal, S/o Late Sri Chet Ram,
(Meter Reader), R/o Vill: Ginginaiya, P.O.
Faridpur Distt. Bareilly (U.P.).

..... Applicants.

C/A Sri R.C. pathak

Versus

1. Union of India through the Defence
Secretary, M/o Defence, Govt. of India,
South Block, New Delhi - 110011.
2. The Engineer-in-Chief, Engineer-
in-Chief Branch, Army Head Quarter,
Kashmir House, Rajaji Marg, New
Delhi-110011.
3. The Chief Engineer, Central
Command, Lucknow.
4. The Chief Engineer, Bareilly
Zone, Sarvatra Bhawan, Station Road,
Bareilly Cantt.
5. The Commander Works Engineer,
(CWE) MES, Station Road, Bareilly,
Cantt.
6. The Garrison Engineer No. 1,
M.E.S., Bareilly Cantt.

Respondents.

C/R Sri Prashant Mathur

ORDER

Hon'ble Mr. D.S. Baweja, AM

This application has been filed praying for
compassionate appointment for applicant No. 2.

2. The applicant No. 1 is the widow of late
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Sri Chet Ram, Meter Reader, Class IV Civilian Defence Employee under Garrison Engineer M.E.S. Bareilly Cantt. who died in service on 30.3.85. The family at the time of death comprised of five sons and the widow. After the death widow made a request for the job for herself. Vide letter dated 28.5.85 from Garrison Engineer, Bareilly Cantt., she was called on 20.6.85 with all the requisite documents. The applicant accordingly presented on 20.6.85 and submitted all the documents vide letter dated 31.10.85. She also submitted some documents. The respondent No. 6 vide letter dated 24.4.86 asked for some more documents. The widow, applicant No. 1 submitted ^{her} all the documents asked for which had been earlier submitted by her on 24.10.85. The applicant thereafter did not get any communication till 1992. In 1992, vide representation dated 22.8.92, she requested for appointment for her eldest son who had attained the age of 18 years. He is applicant No. 2 in this application. This representation has been replied by the respondent No. 6 vide letter dated 12.1.93 asking for as to why the documents asked for were not furnished and how she has managed all these years. She replied to this letter vide her letter dated 25.1.93. Thereafter she has filed this application on 11.2.93 praying for compassionate appointment for applicant No. 2.

3. The respondents have filed the counter reply. It is submitted the widow i.e. applicant No. 1 applied for job for herself vide application dated 19.1.85. She was asked to appear with all the relevant documents before a Board of Officers on 20.6.85. However she failed to turn up. She had filed some documents vide letter dated 24.10.85. She was asked to file some more documents vide

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letter dated 31.10.85 but she never submitted the required documents. She also did not pursue the matter thereafter. She has submitted application after seven years on 22.8.92 for seeking compassionate appointment for her eldest son on attaining age of 18 years. She has stated the age of her son as 19 years at the time of application while as per the Service Book the age of the son was about 25 years. Further vide letter dated 12.1.93, she was again asked to supply the requisite documents. In reply she has again made a representation without submitting the relevant documents. The respondents contended that the respondents No. 4 did pursue the matter for her appointment and in respect of applicant No. 2 the request for compassionate appointment is highly belated. In view of these facts, the application has no merit and deserves to be quashed.

4. The applicant has filed the rejoinder reply reiterating the averments made in the application.

5. I have heard the learned counsel of the parties, and carefully gone through the material placed on record.

6. From the averments made, it is admitted fact that the widow (Applicant No.1) applied for compassionate appointment for herself as per her application dated 19.1.85. She was asked to submit the required documents and also present before Board of Officers on 20.6.85, vide letter dated 28.5.85. The respondents maintain that she did not present herself on the date fixed while applicant avers that she attended on the nominated date. This statement of the applicant does not seem to be believable.

If she had given all the documents, then what was the need of letter dated 24.10.85 submitting the documents with reference to letter dated 28.5.85. It is obvious that she did not report on 20.6.85. The respondents vide letter dated 31.10.85 asked for the balance of documents as demanded vide letter dated 28.5.85 which were not submitted on 24.10.85. The applicant maintains that she had submitted all the documents as per letter dated 24.10.85. On going through the list, ⁹⁰ we agree with the respondents that the documents detailed in letter dated 31.10.85 had ~~not~~ been supplied. The matter ended at this stage from both the sides. The respondents did not deal with the matter as the required documents were not submitted. The applicant also did not pursue thereafter till the application of compassionate appointment in 1992 made for the appointment of her son, applicant No. 2. The applicant No. 1 has not explained as to why she did not pursue the matter after 24.10.85 and kept quiet for seven years. This may perhaps be explained in this way that widow perhaps had a change of mind and wanted job for her son. These details lead to the conclusion that the widow was eligibel for appointment and she also applied for the job for herself but thereafter did not pursue the matter further by submitting the relevant documents as directed by the respondents.

7. It is averred in the application that on attaining the age of 18 years by the eldest son (applicant No. 2) the widow (applicant No. 1) applied for compassionate appointment for her son. In the application dated 22.8.92 (A-6) the age is shown as 19 years. The respondents have disputed the age of applicant No. 2 stating the as

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per the records (CA-III), the date of birth is 20.6.68 and therefore at the time of application in 1992, he was absent 25 years of age. ⁹⁰ We have pursued CA-III which is the family particularly given by late Sri Chet Ram in 1972. In the document, the date of birth of Sh. Kishan Lal, applicant No. 2, 2nd son as per the list is shown as 20.6.68. It appears the first and the eldest son was not surviving of the time of death of Sh. Chet Ram. In fact the applicant No. 1 himself in RA-1 has admitted the date of birth as 20.6.68. Therefore the plea taken that applicant No. 1 made applications for the appointment of applicant No. 2 on attaining the age of 19 years is not factual and in fact is totally false statement. The applicant No. 2 was 17 years of age at the time of death and was eligible for compassionate appointment after one year of death of his father in 1986. Therefore the application made in 1992 was after six years after applicant No. 2 being also eligible. I am therefore inclined to accept the contention of the respondents that request for compassionate appointment is belated.

8. The applicant during hearing sought the support of the judgement of Jaipur Bench Om Prakash Sharma Vs. U.O.I. (1992) 21 ATC 238. I have carefully gone through this judgement. In this case, it was not stated whether the widow had applied for job and was eligible for the same. The eldest child was just three years of age at the time of death. In the present case I have concluded ^{that} the widow had applied for the job but did not pursue the matter by completing the formalities by way of submitting the required documents. The eldest son became eligible for appointment after one year of the death but made application only after six years thereafter

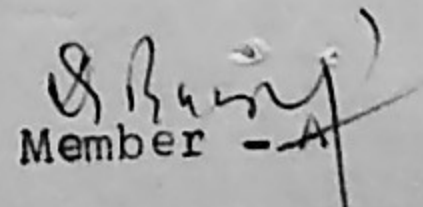
by making a false statement about the age. Therefore the facts and circumstances are distinguishable and cited judgement is not of help to the case of the applicant.

9. The purpose of compassionate appointment is to mitigate the hardship to the family of the deceased employee. Compassionate appointment sought after several years of death even though widow being eligible or ward with age of majority available defeats the very objective of the scheme of compassionate appointment. Apex Court in several judgements recently has set the law with regard to compassionate appointment. I cite some of the judgements;

- (i) Umesh Kumar Nagpal Vs. State of Haryana 1994 (2) SLR SC 677
- (ii) Life Insurance Corporation of India Vs. Asha Ramchandra Ambedkar and Oths. 1994 (2) SLR SC 1.
- (iii) State of Haryana Vs. Naresh Kumar Bali 1994 (4) SLR SC 1.

Keeping in view what is held in these judgements and the facts of the case as discussed earlier, I find no ground which justifies the compassionate appointment on a request made after lapse of several years.

10. In consideration of the above deliberations, I find no merit in the application and the same is dismissed accordingly. No order as to costs.


Member - A

Arvind.