

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.443 OF 1999  
ALLAHABAD THIS THE 26TH MARCH, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Chhanga,  
S/o Late Noor Mohammad,  
266/12 Babu Purwa Colony,  
Kidwai Nagar,  
Kanpur.

.....Applicant

(By Advocate Shri D.K. Singh)

Versus

1. Union of India,  
through the Secretary,  
Ministry of Defence,  
New Delhi.
2. Director General of Ordinance Services,  
New Delhi.
3. The Civilian Staff Officer,  
Establishment Officer,  
Civilian through Commandant Kanpur.
4. The Asstt. Personnel Officer Civilian,  
Kanpur.

.....Respondents

(By Advocate Shri R.C. Joshi)

ORDER

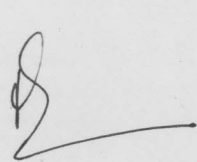
By this O.A. applicant has sought the following  
reliefs:-

".....The respondent to appoint the petitioner  
forthwith considering the parity with the other  
candidates who have already been given appoint-  
ment either directly or persuance of judgement  
dated 11.11.1992 passed by this court."

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2. It is submitted by applicant that his father Late Noor Mohd. died on 24.11.1984 while in harness leaving behind sons and unmarried daughters, therefore, he applied for compassionate appointment. A list of candidates was prepared by respondents wherein 27 candidates were found to be entitled for compassionate appointment out of 39 candidates. Applicant was at serial no.21. In 1987 four vacancies were released so candidates at serial no.1,2,3 and 5 were given appointment. In March 1988 three more vacancies were released so serial no.4,6,and 7 were given appointment. In September 1988 six more vacancies were released, folders of persons in panel were sent even for police verification but vide letter dated 12.12.1989 respondent no.3 & 4 informed the applicant as well as other persons viz. Dilip Kumar, Mustaf Hussain, Suresh Kumar Sharma, Ali Akbar Khan and Sushil Kumar that they couldn't be given compassionate appointment due to limited number of vacancies. They may submit fresh application (Annexure-2). Some of the candidates from panel viz, 9,10,13,20 and 22 filed O.A. no.594/90 in this Tribunal which was allowed on 11.11.1992 directing the respondents to absorb petitioner in future vacancies against the quota allotted (Annexure A-4). It is submitted by applicant that he was not aware of this judgment but when petitioner therein were given appointment, he also gave representation from 05.12.1995 to 08.07.1998 (Annexure A5 to A8).

3. It is submitted by applicant that since respondents gave appointment to person at serial no.22 while ignoring applicant, it amounts to discrimination. He has

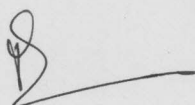


submitted<sup>that</sup>/he is entitled to be appointed on compassionate grounds. He has thus filed the present O.A.

4. Respondents have opposed this O.A. They have submitted that when applicant was intimated vide letter dated 6/15 June 1987 that he was at serial no.21 the selections were made on the basis of vacancies released from time to time covering wait listed candidates. However, due to change in policy all wait list candidates were required to be considered afresh. Accordingly applicant was asked to apply again. Thereafter policy dated 01.10.1998 was issued (Annexure CA-1) and applicant was duly informed vide letter dated 15.01.1988 and 14.12.1989 but applicant didn't turn up inspite of letters dated 29.05.1992, 07.09.1992, 05.12.1992 and 20.07.1993. He kept quiet and suddenly woke up in 1995 requesting for giving him appointment as per earlier panel which clearly shows that he didn't pursue his case properly and now he cannot ask for being appointed as this matter has now become stale. They have submitted that those persons were appointed in 1992 but obviously applicant must have been employed elsewhere as he never approached the court at that relevant stage. Therefore, this O.A. is highly time barred as such is liable to be dismissed on this ground itself.

5. I have heard both the counsel and perused the pleadings as well.

6. Applicant's counsel relied on 2001 (2) UPLBEC 1075 to substantiate his argument that once he had applied in time, his case couldn't have been rejected on the

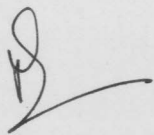




ground that case is barred by time specially when respondents took their own time in rejecting/deciding the case of compassionate appointment.

7. This judgment would have no applicability in the present set of facts as initially applicant was kept in the waiting list but later on when policy changed he was required to apply again so that his case could be considered afresh. For this purpose he was written number of letters which is apparent from annexures filed with the ~~R~~ but he didn't respond to the letters for reasons best known to him & counter, therefore, he can't blame the respondents now.

Moreover, persons who were put on the waiting list alongwith applicant were also given appointment pursuant to the judgment of Tribunal but even at that time, he didn't approach the court nor applied in the department inspite of repeated letters. He applied only in the year 1995. Admittedly the father of applicant had died in 1984 and the idea of giving compassionate appointment is to tide over the sudden crisis left in the family due to the death of sole bread earner. Compassionate appointment ~~is~~ individual's convenience. ~~is~~ cannot be asked at any time as per the ~~convenience~~ Hon'ble Supreme Court has held that delay is a very fatal in cases of compassionate appointment because it clearly shows that family was able to survive for good 11 years without compassionate appointment and that itself is a good ground to reject the claim. Applicant's counsel had contended that applicant is being discriminated as others have been appointed while applicant was ignored. This contention is not sustainable in law because those persons were not given appointment by the department on their own, but on the directions of Tribunal whereas applicant



never took up the matter in court. Moreover in 1992 even though department asked him to fill certain documents so that his case could be considered but he didn't even respond, therefore, he only has to blame himself for his non appointment.

8. In view of the above discussions, I find no merit in the O.A. The same is accordingly dismissed with no order as to costs.

A handwritten signature in black ink, appearing to be a stylized 'S' or 'J' with a long horizontal stroke extending to the right.

Member-J

/Neelam/