

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 26TH DAY OF MARCH, 2001

Original Application No.1007 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Kamal Sharma, son of late Mahabir Prasad
Sharma, R/o Kisshha, District Udham
Singh Nagar.

... Applicant

(By Adv: Shri A.S.Diwakar)

Versus

1. Union of India through General Manager
North Eastern Railway, Gorakhpur.
2. General manager,
North Eastern Railway, Gorakhpur.

... Respondents

(By Adv: Ms.Sadhna Srivastava)

O R D E R(Oral)


JUSTICE R.R.K.TRIVEDI,V.C.

By this application u/s 19 of A.T.Act 1985 the applicant has prayed for a direction to General Manager respondent no.2 to approve him for appointment on compassionate ground. The facts stated in the application are that late Mahabir Prasad Sharma was employed as a Dresser in Railway hospital. He died in harness on 9.12.1981. Initially mother of the applicant applied for appointment on compassionate ground but her case was not considered. It is stated that she was asked to obtain succession certificate. In 1988 i.e. after seven years of death ^{of his father} applicant made application for claiming appointment on compassionate ground and also claimed the arrears of the retiral benefits. It is stated that he could ~~have~~ ^{have} obtained succession certificate on 29.12.1994 then on 1.2.1995 he again applied for compassionate appointment. ~~This~~

This long and inordinate delay has been tried to be explained on the ground that respondents had insisted for production of succession certificate for giving compassionate appointment. I am not prepared to believe this explanation. In case of compassionate appointment certificate is never demanded. From the averments made by the applicant himself it is clear that he also claimed retiral benefits. It appears that there was no nomination by the deceased employee, hence the department asked for succession certificate so that amount may be paid safely without any dispute.

The purpose and object behind giving the appointment on compassionate ground is to provide immediate help to the family of the deceased employee which is rendered breadless on account of sudden death. However in this case by now 20 years have passed. The purpose behind such appointment has become non existent. It is well settled that the appointment on the compassionate ground, cannot be claimed as a matter of right or as succession.

This OA has got no merit and is accordingly rejected on the ground of delay. There will be no order as to costs.


VICE CHAIRMAN

Dated: 26.3.2001

/Uv/