

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

original Application No. 1330/99
this the 1st day of March 2001.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)

Vikas Kumar, S/o late Shambhoo Ram, Resident of House no.
2/84, Nawalganj, Kanpur District Kanpur Nagar.

... Applicant.

By Advocate : Sri S.C. Tewari.

Versus.

Union of India through Secretary, Ministry of Defence,
New Delhi.

2. The General Manager, Aayudh Upaskar Nirmani
Kanpur District Kanpur Nagar.

3. Sahayak Karya Prabhandhak Ayudh Upaskar
Nirmani, Kanpur District Kanpur Nagar.

... Respondents.

By Advocate : Sri Amit Sthalekar.

O R D E R (ORAL)

This O.A. has been filed by the applicant
for setting-aside the order dated 7.4.1999 (Annexure-1 to
the O.A.) and for issuing directions to the respondents to
provide a suitable job to him on compassionate grounds.

2. The admitted facts of the case are that
the father of the applicant late Shambhoo Ram, who was an
employee in the office of the respondents, died on 24.9.1984.
The applicant is a adopted son of late Shambhoo Ram. The
applicant was minor at the time of death of his father-
Shambhoo Nath and he attained the age of majority on 7.6.1999.
The applicant had already made a representation on 23.12.98
before the General Manager, Aayudh Upaskar Nirmani, Kanpur
(respondent no.2) seeking appointment on compassionate grounds.
The representation of the applicant has been rejected vide
impugned order dated 7.4.1999 by the respondent no.2 on

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the ground that the applicant has been receiving the family pension and the applicant has no other liability. Besides, the applicant has also been receiving the moveable and immovable property of the deceased.

3. I have heard the learned counsel for the applicant as well as the respondents and have perused the pleadings on record.

4. It has been argued on behalf of the respondents that the present O.A. is ~~completely~~ ^{Q. definitely} time barred because the present O.A. has been filed after ~~the~~ long 14 years period from the date of the death of Shambhoo Nath. In support of his argument, the learned counsel for the respondents has relied-upon a decision of the apex court in the case of Haryana State Electricity Board vs. Hakim Singh (1997) 8 SCC 85) in which the request for appointment on compassionate grounds ~~after~~ ^{in which} a long time i.e. 14 years on attaining the age of majority was rejected and the same was allowed by the High Court. The Hon'ble Supreme Court set-aside the order of the High Court holding that the family members of the deceased were managed 14 years after the death, one of his legal heirs cannot put forward a claim as though it is a line of succession by virtue of a right of inheritance. It was further held that the object of the provisions is to give succour to the family to tide-over the sudden financial crisis be fallen the dependants on account of the untimely demise of its sole earning member. Similarly in a recent case namely Sanjay Kumar Vs. State of Bihar & Others (2000) 7 SCC 192), the apex court has again held that where the applicant attained the age of majority after long eight years after the death of the employee and then applying for compassionate appointment, such application be rejected as time barred.

5. The learned counsel for the applicant has, on the other hand, cited a decision of Division Bench of the Hon'ble High Court (Allahabad) namely Pushpendra Singh

Re

Versus. Regional Manager, UPSRTC (2000 (1) ESC 448 (All.) in which the appointment on compassionate ground was sought after 14 years of the death of the employee, in harness ^{If directed} and it was held that if the application is moved for the same, the respondents may take sympathetic view if the family of the deceased is facing hardship. However, a Single Judge of the Hon'ble Court in the case of Amol Singh vs. State of U.P. & Others (2000 (3) A.W.C. 2571) in which the above cited decision of Pushpendra Singh was considered alongwith the cases cited by the apex court and it was held that the decision of Pushpendra Singh was not a ratio decided on ^{observed} ^{but} sympathetic consideration.

6. I also agree with the contention of the learned counsel for the respondents that the present case is highly time barred in view of the decision of the apex court referred to above, because five years is prescribed under rules to apply for appointment on compassionate grounds. In the present case, admittedly, the application for appointment on compassionate grounds was moved after ~~in~~ a long period of 14 years. The O.A. is, therefore, dismissed as time barred. No order as to costs.

Dan Vedula

MEMBER (J)

Allahabad : Dated : 1.3.2001.
GIRISH/-