

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

THIS THE Si^{xt}h DAY OF JANUARY, 2006

Original Application No. 1244 of 2003

HON. MR.K.B.S. RAJAN, MEMBER (J)

1. Smt. Sundara Devi, W/o late Baboo Ram.
2. Santosh Kumar, S/o late Baboo Ram

Both residents of House no. 130/62,
Baghai, Transport Nagar, Kanpur.

.. Applicants

By Advocate : Sri S. Ram.

Versus

1. Union of India through the Secretary,
Ministry of Defence, North Block, New
Delhi.
2. The General Manager, Ordnance
Factory, Kalpi Road, Kanpur.

.. Respondents

By Advocate : Sri S. Singh

ORDER

Concession by way of compassionate appointment has many a limitation, as spelt out by the Apex Court in a catena of judgments and one of them is that the individual who applies for the same should be vigil enough to pursue the matter so that the appointment could be considered at the earliest. In this case, the husband of the first applicant expired in June 1997 and the said applicant applied



in Feb. 1998 for compassionate appointment of his son, a major even at that time and the claim was rejected in July, 1998. Though it is stated that the widow again applied to the General Manager in late 1998/Jan 1999, through Registered Post, the fate of the said applicants is not known. Here comes the puzzle. According to the said applicant she became 'mentally disturbed' and could recover only in 2002 and thereafter pursued the matter in March, 2003 and as there was no response, the applicant has moved this OA in 2003.

2. Certain important questions crop up at this stage. (a) Once the applicant's case was rejected in July, 1998, then there is no need to pursue with the administrative authority, as provision exists for approaching the Tribunal. Why was it not done? (b) What is the necessity for the first applicant to make application on behalf of her major son? Why had he not applied? (c) Even if initially the first applicant had applied and she did not file a fresh OA, at least thereafter the second applicant could have pursued the case. This was also not done.

3. In short, there has been no earnest attempt on the part of the applicants to process the case in time. They have to be blamed for the same. The Compassionate Appointment cannot be granted after



lapse of years of the demise of the Government servant. The Committee had properly analyzed the case and taking into account the extent of financial resources, the number of members of the family etc., scientifically it has worked out (and the units of marks available in the case of the applicant were only 23) and found that the case did not deserve and immediately informed the applicant of the decision. There are only two members in the family of the applicant while in other cases the number of family members was four/five. The terminal benefits made available and the family pension have also been taken into consideration. As such, no fault could be found over the rejection by the respondents of the case of the applicant.

4. There being absolutely no merit in the case, the OA is rejected. No cost.



MEMBER-J

GIRISH/-