

3

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 480 of 1991

Date of decision: 15.7.1992

Uma Devi

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s.Devanand Mishra,
Deepak Mishra,
R.N.Naik, A. Deo,
B.S.Tripathy &
P.Panda, Advocates

For the respondents

Mr.Ashok Mohanty,
Sr.Standing Counsel
(Central Government)

...

C O R A M

THE HONOURABLE MR.K.P.ACHARYA, VICE-CHAIRMAN

AND

THE HONOURABLE MR.M.Y.PRIOLKAR, MEMBER (ADMN)

...

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? 150
3. Whether Their Lordships wish to see the fair copy of the judgment? Yes

JUDGMENT

MR .M.Y .PRIOLKAR, MEMBER (ADMINISTRATIVE)

The prayer in this application is for a direction to the respondents for giving compassionate appointment to the applicant's second son as her husband died while in service.

2. The applicant's husband who was employed as a driver in the Military Engineering Service, died on 12.12.1984 during his service tenure. She filed an application on 28.1.1985 asking for employment to her second son on compassionate grounds saying that her first son, though employed, is living separately and there is no earning member to support the family. According to the applicant, no decision was communicated to her and therefore, she submitted another application for the same purpose on 9.7.1990 but orders thereon are still awaited.

3. The respondents have stated that the application filed by the applicant was processed and sent to the Engineer-in-Chief, Army Headquarters, who in turn referred the matter to the Ministry of Defence. The Ministry, however, rejected the application by its letter dated 9.4.1986 as it was not a fit case for employment on compassionate grounds. The respondents contended that the applicant's first son being a Group D employee of Kendriya Vidyalaya, Sanghatana as admitted by the applicant, the question of considering her second son for compassionate appointment does not arise, since such appointment is to be provided only when there is nobody to support the family. They have also contended that in view of the rejection of the applicant's request for compassionate appointment in 1986, this application is hopelessly time barred and the applicant has taken recourse to submitting another representation in 1990 only

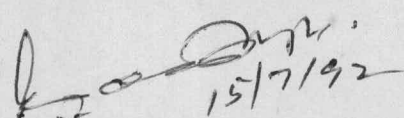
5

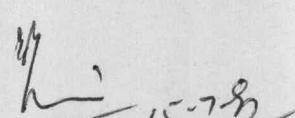
2

5

to overcome the bar of limitation.

4. Apart from limitation, the applicant does not have a strong case even on merits. She has two sons, the first employed and the second stated to be presently 29 years old, and one daughter who was stated to be ^{of} marriageable age in 1985. She is in receipt of family pension. Since the first son is already in regular employment under a Central Government organisation, it is not possible for us to direct that the second son should also be provided with employment by the Government. This is not, therefore, in our view, a fit case for interference by this Tribunal. The application is accordingly dismissed with no order as to costs.


15/7/92
VICE-CHAIRMAN


15.7.92
MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal
Cuttack Bench, Cuttack
B.K.Sahoo

