

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK**

OA No.965 of 2013

CORAM
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDICIAL)
THE HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

Rabindras Nath Das, aged about years, Son of Late Biswasnath Das, residing at Qr.No.2RB-25, Delta Colony, Unit-8, Bhubaneswar.

.....Applicant
(Legal Practitioner – M/s. Avijit Mishra, S.Saren)

Versus

Union of India represented through -

1. The Secretary, Ministry of Mines, 3rd Floor, A Wing, Shashtri Bhawan, New Delhi-110 001.
2. Director General, Geological Survey of India, Government of India, 27-Jawaharlal Nehru Road, Kolkata-16.
3. Deputy Director General, Geological Survey of India, Eastern Region, Kolkata-91.
4. Deputy Director General, Geological Survey of India (Operation), State Unit Odisha, Unit-VIII, Naya Palli, Bhubaneswar-12.

.....Respondents

(Legal practitioner: Mr.S.B.Jena)

0 R D E R (Oral)

A.K.PATNAIK, MEMBER (JUDICIAL):

Copy of this OA has been served on Mr.S.B.Jena, Learned

Additional CGSC who appeared and accepts notice in this OA for the Respondents. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission. Heard Mr. Avijit Mishra, Learned Counsel for the Applicant and Mr.S.B.Jena, Learned Additional CGSC appearing for the Respondents and perused the

records. The case of the applicant in nut shell is that his father while working as a Driver under the Respondent No.4 died prematurely on 22.09.2003 leaving behind his widow, two sons and two married daughters. On 26.10.2012/28.12.2012, the mother of the applicant applied for appointment on compassionate ground in favour of the applicant. But the Respondents rejected the said prayer in letter dated 19.8.2013. Alleging the rejection to be illegal, arbitrary and without due application of mind, the applicant has moved this Tribunal in the instant OA with prayer to quash the letter of rejection dated 19.08.2013 and direct the Respondents to reconsider the case of applicant for appointment on compassionate ground.

2. On the other hand, Mr.Jena vehemently objected to entertaining this OA on the ground that one cannot claim appointment on compassionate ground as a matter of right. The very aim and object of the scheme is to mitigate the hardship faced by the family members to tide over the sudden crisis caused due to death of the sole breadwinner. As in the instant case even according to the applicant his father died in 2003 the mother of the applicant sought appointment on compassionate ground only on 19.8.2012 i.e. **after near about 09 (nine) years** after the death of his father. However, the said representation was duly considered by the competent authority but rejected the same on the ground stated in the letter which cannot be said to be illegal, arbitrary or without application of mind.



3. Considered the rival submission of the parties. It is obvious that an appointment on compassionate ground has a specific object. An appointment on compassionate ground is not a right bestowed upon the members of the deceased employee's family to claim such appointment at their sweet will, irrespective of the date of death of the government servant. It is a privilege which is created under the scheme framed under the law to assist the family of the deceased Government Servant to tide over the immediate financial jerk caused to the family members of the deceased. In the cases of **Umesh Kumar Nagpal Vrs State of Harayana**, 1994 (2) SLR 677 (SC) (para-4) and **State of J&K Vrs Sajad Ahmed Mir**, 2006 (5) SLR 646 (SC) (para-4), the Hon'ble Apex Curt was of the considered opinion that if many years have gone by since the death of the employee, compassionate appointment cannot be claimed and cannot be offered. For the normal rule of appointment cannot be ignored at the cost of the interest of an individual. If it were done so, it would ignore the mandate of Article 14 of the Constitution of India. No plausible explanation has been offered by the Learned Counsel for the Applicant for such abnormal delay in making application praying for appointment on compassionate ground. In view of the facts and law stated above, we do not see any valid/justifiable reason even to admit this OA. Hence this OA is accordingly dismissed by ^e ^f leaving the parties to bear their own costs.

(R.C.Misra)
Member (Admn.)


(A.K.Patnaik)
Member (Judicial)