

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A. 1166 of 1996

Date of Order : 11.5.1999

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.

MUKTA RAM DAS

vs.

UNION OF INDIA & ORS.  
(EASTERN RAILWAY)

For the applicant : None

For the respondents: Mr. P.K. Arora, counsel.

ORDER

None appears for the applicant when the matter is called on for hearing. Mr. P.K. Arora appears for the respondents. However, no reply has been filed in spite of chances being given to the respondents for the purpose. Although none has appeared for the applicant, the 1st counsel appearing for the respondents submits that the matter may be decided on merit on consideration of the materials on record. Such prayer made by Mr. P.K. Arora appears to be reasonable.

2. In this O.A., the applicant has prayed for a direction upon the respondent-authorities to give him an appointment on compassionate ground in any Group-D post. The facts are as follows -

The father of the applicant, Late Kshetra Mohan Das, was an employee under the respondent-authorities in the post of Carpenter and died on 9.1.1961 in harness. It is stated that at the time of his death, the applicant was a minor. On his attaining the age of majority, the mother of the applicant filed an application before the respondent-authorities for

giving her son an appointment on compassionate ground, as per annexure-B dated 4th June, 1979. It is stated there that on the date of such application, her son, i.e. the present applicant, was about 23 years old. Thereafter, the applicant himself filed an application in prescribed form to the Chief Works Manager, Eastern Railway, Liluah, for giving him an appointment on compassionate ground in a Group-D post vide annexure-C which is dated 8.7.1994. It is submitted by Mr.P.K. Arora that the application is devoid of any merit and it is also hopelessly barred by limitation.

3. It is stated in annexure-B i.e. the application filed by the mother of the applicant who is not a party to this application, that on the date of the application i.e. 4th June, 1979, her son was 23 years old. It may be inferred from the said application that the applicant was born some time in 1956. No action was taken in this regard by the respondent-authorities and the mother also did not file any case before any appropriate forum to vindicate her cause. Annexure-C is the applicant's own application where he has given his date of birth as 23rd February, 1956. The application is dated 8.7.1994. It appears that the applicant attained the age of majority some time in 1974, but for the first time he moved the respondent-authorities for such appointment in 1994 i.e. after a lapse of 20 years. There is no explanation for this unusual delay. The mother is also not a party to this application. It is not disclosed whether the mother is still alive or not and the applicant is to maintain his mother. The scheme of giving compassionate appointment is to save the family of a deceased employee from financial disaster or distress on the death of the employee concerned. From the materials on record, I do not

find anything to show the composition of the family left by the deceased employee who the applicant has still to maintain. Under such circumstances, I fully agree with the contention of Mr. Arora that the application is not only hopelessly time barred but also devoid of merit.

4. Mr. Arora has also referred to a decision reported in 1998 Supreme Court Cases (L & S) page 570 (State of Uttar Pradesh vs. Parasnath) wherein the Supreme Court has held when an employee's son approaches for the first time for compassionate appointment after long lapse of 17 years after the death of the employee concerned, such applicant is not entitled to any relief regarding compassionate appointment.

5. The principle laid down in the aforesaid reported case applies <sup>old</sup> in force to the present one.

6. This application is dismissed. No order is passed as to costs.

*S. N. Mallick*  
(S. N. Mallick)  
Vice-Chairman

I. S.