

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA.500 of 1996

Date of Order: 09-02-98.

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

SUDAN CH. DAS

-Vs-

UNION OF INDIA & ORS.

For the petitioner: Mr.K.Chakraborty, counsel.

For the respondents: Mr.C.Samaddar, counsel.

Heard on: 09-02-98.

O R D E R

S.Dasgupta, AM.

At the admission stage we have heard the
ld.counsel for both the parties and perused records.

Through this application, the applicant seeks
compassionate appointment on the ground that his father died
in harness. It appears from the pleadings on record that the
applicant's father died in 1972 and at that time the applicant
was only 10 years old. His contention is that on attaining
majority in 1980, he applied for compassionate appointment but
no action was taken since then and finally a letter was
received from the office of the Minister for Railways stating
that his case would be considered. Subsequently, the request
made by the petitioner was turned down and hence this application.

Ld. counsel for the respondents pointed out that
under the extant circular of the Railways for providing compassionate
appointment, the applicant should have applied within 6
months from the date of attaining majority and in this case
after a period of 10 years from the date of death of the deceased
employee, request for compassionate appointment cannot be
considered. Ld.counsel for the applicant pointed out that the
period of 6 months has since been extended to two years. This

is also confirmed by the ld. counsel for the respondents. He, however, reiterated that even if this relaxation is given upto 2 years, the applicant did not file within time since he filed this application in 1988 and therefore, it has/specirically stated in the reply that for the first time the application was received by the respondents only on 11.7.88 . The applicant has annexed a copy of the application stated to have been filed in 1980. The Photo copy appears bears a stamp which is highly forged. Ld.counsel for the applicant did not have the original of this application to show us to ascertain what the stamp stood for. We are not satisfied/that the application was actually submitted, as contended by the applicant, to the authority concerned. We, therefore, find no reason to dispute the submissions of the ld.counsel for the respondents that for the first time the application was made in 1988.

That apart, the fact remains that the provision for compassionate appointment is an extra-ordinaryprovision which is resorted to provide timely assistance to the family which is left behind by the sole bread-winner in the penurious circumstances. This principle is enunciated reported by the Hon'ble Supreme Court time and again. In the case of Umesh, (reported in ATJ,1994,Vol.2 pg.387) Kumar Nagpal-VS-State of Haryana & Ors/it was stated that the only ground which justified compassionate appointment is the penurious conditions of the family of the deceased and such appointment cannot be granted after a reasonable time. Ld. counsel for the respondents also referred to the decision of the Hon'ble Supreme Court in the case of Haryana State Electricity Board-VS-Naresh Tanwar and Anr,et. (Reported in SE,SLJ,1996,Vol.2 page 299) which supports the view that the very object of the compassionate appointment is to provide/relief to the family of deceased employee who died in harness and the consideration for such appointment is not a vested right . Admittedly, the applicant is the only person in the family left behind and he has no other dependent to look after and the mother of the applicant expired prior to the death of the late Bansi Das, the deceased railway

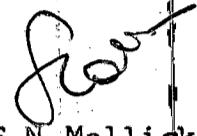
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employee.

For the reasons above, we find no merit in this application and the application is dismissed without passing any order as to costs.



(S. Dasgupta)
Member(A)



(S.N. Mallick)
Vice-Chairman.