

I/S

CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR

ORIGINAL APPLICATION NO.: 314/2002

Date of Order: 09.01.2003

Moti Ram Jakhad S/o Shri Pema Ram Ji,
Aged 33 years, resident of village Dhani Kalera,
Post Bidasar, Tehsil, Sujangarh, District Churu,
Late Shri Pema Ram was serving as Gangman,
Gang No. 23 C/o FWI, Sudsar, District Churu.

....Applicant

V E R S U S

1. Union of India through
the General Manager,
North Western Railway,
JAIPUR
2. The Senior Divisional Personnel Officer,
North Western Railway,
Bikaner.

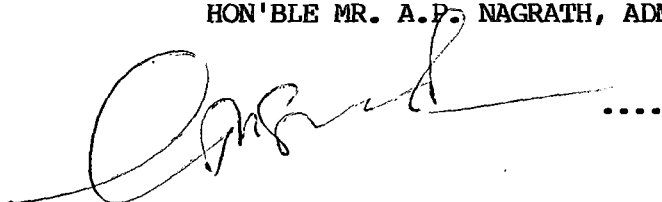
....Respondents.

Mr. R. S. Saluja, Counsel for the applicant.

CORAM:

HON'BLE MR. JUSTICE G.L. GUPTA, VICE CHAIRMAN.

HON'BLE MR. A.P. NAGRATH, ADMINISTRATIVE MEMBER.



: O R D E R :

Per Mr. Justice G.L.Gupta:

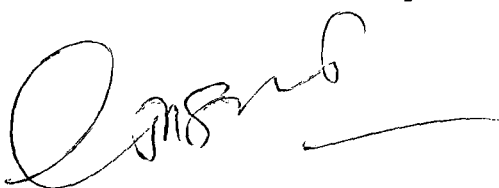
The applicant is the son of Shri Pema Ram, who was a gangman under PWI Sudsar and died on 29.10.92. It is stated that the applicant made an application for providing employment on compassionate grounds but it has not been done as yet. It is further stated that the competent court has granted succession certificate in favour of the applicant.

2. We have heard the counsel for the applicant and perused the documents placed on record.

3. It is evident that Shri Pema Ram died in the year 1992 i.e. more than 10 years have elapsed. The averments made at para 4.1 of the application indicates that the applicant made an application for employment on compassionate ground for the first time on 16.8.2002(Annex.A.1). In this application it is stated that an assurance had been given to the applicant since 1992 and nothing has been done. There is absolutely no material on record to believe that the applicant had approached the respondents for compassionate appointment before 15.8.2002.

4. It may be stated that an additional affidavit has been filed stating that the applicant had earlier approached the respondent vide Annex. A.7 dated 8.6.93. There is no endorsement of the receipt of the application by the officers of the respondents' department.

5. Be that as it may, it is settled legal position that mere death does not entitle the heirs to get employment. The object of compassionate appointment is to enable the penurious to tide over the sudden crisis and not to provide employment. The Court cannot be

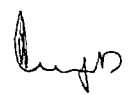


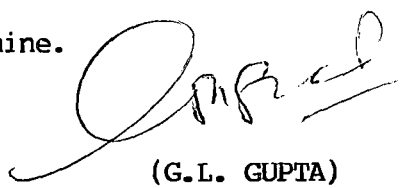
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justified in directing the respondents to give compassionate appointment after 10 years. See Umesh Kumar Nagpal vs. State of Haryana (1994 SCC (L&S) 930).

6. It may be pointed out even in the case of minors when the application is made for employment on compassionate grounds after years i.e. on attaining the age of majority, it has been held that there cannot be any reservation of a vacancy till the time the minor becomes major. See Sanjay Kumar vs. State of Bihar (2000 SCC (L&S) 895); State of U.P vs. Paras Nath (2000 SCC (L&S) 570); Union of India vs. Bhagwan Singh (1996 SCC (L&S) 33).

7. We find no case to issue notice to the respondents. There being no merits, the application is dismissed in limine.


(A.P. NAGRATH)
Administrative Member


(G.L. GUPTA)
Vice Chairman

jsv.