

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO.74/2010
JODHPUR THIS DAY 07th March, 2011**

HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER

Prabhu Ram Meena S/o late Shri Babu Lal Verma, by caste Meena, aged 23 years, R/o village Kesharpura, Tehsil Sheoganj, District Sirohi. Late Shri Babu Lal Meena was working on the post of PATAL CHITRAK, Gr. II, Survey of India, Ajmer.

.... Applicant

For Applicant: Mr. Rajesh Parihar, Advocate.

VERSUS

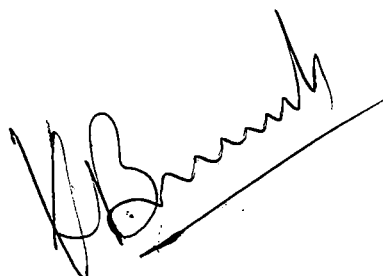
1. Union of India, through Secretary, Ministry of Science & Technology, Government of India, New Delhi.
2. The Director, Rajasthan Geo-Spatial Data Centre, Survey of India, Great Arc Bhawan-1, Sector 10, Vidyadharnagar, Jaipur.
3. The Officer Surveyor, DATA A/T Wing (RGDC) 805/29, Bandanwara House, Maylink Road, Ajmer.

.... Respondents.

**For Respondents: Mr. M.S. Godara, proxy counsel for
Mr. Vinit Mathur, Advocate.**

**ORDER (ORAL)
[PER Dr. K.B. SURESH, MEMBER (J)]**

The applicant seeks compassionate appointment following the death of his father on 04.05.1992. Apparently, his mother applied immediately for appointment of her elder son, Mahendra Kumar Meena. But it came out that some of the documents and testimonials of Mahendra Kumar were not duly attested as such the department wanted to obtain these information, which was apparently not replied to by said Mahendra Kumar or his mother,

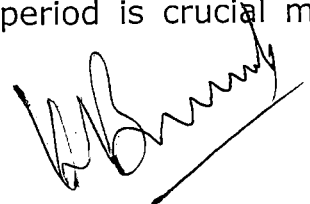


and therefore, according to the respondents they closed the matter of compassionate appointment in the year 1993 itself.

2. The cause of the applicant is that at the time of death of his father, he having been born in December 1986 firstly he was a minor, and therefore, the cause to agitate is after his minority is over. His minority was apparently over in the year 2004, he seems to have applied for appointment in the year 2006, which subsequently, was rejected by the respondents vide Annexures-A/1 to Anneuxre-A/3.

3. But the applicant would point out that in fact by Annexure-A/7, dated 13.09.2010, subsequent details relating to the applicant was sought for by the department in relation to that whether he was married or not and what is the quantum of family pension. He seems to answer and state that he is not married and his mother is getting Rs.5025/- towards family pension. It is pointed out that in case of inordinate delay the matter has to be referred to the Secretary, and therefore, he claims that Annexure-A/1 & Annexure-A/2₃ which was passed by the Sub-ordinate Officers cannot lie in the eyes of law, and therefore, it is to be remitted back to the Government for fresh decision at the level of Secretary.

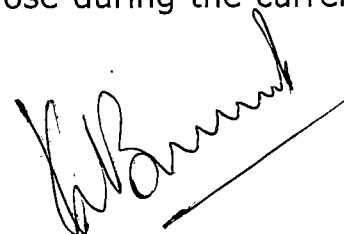
4. The learned counsel for the respondents submits that the deceased employee died in the year 1992 and the applicant's case for compassionate appointment was considered in the year 2009 would means to bridge a gap of 17 years, the necessary ingredients for bringing such would not be available as immediacy of succour and subsequent developments during this period is crucial matter



for relief. He would say that if the family can survive all these years without the additional assistance of the Government then it must be presumed that delay on the part of the applicant cannot be condoned.

5. The learned counsel for the applicant submits that in view of minority of the applicant he would be entitled for further period of three years after attaining of his majority for his case to be adjudicated. But the learned counsel for the respondents submits that his cause originated on the death of his father and his mother sought compassionate appointment of her elder son, who is mentally retarded and therefore his case could not be taken up. Had she applied for compassionate appointment for herself and failed on some technical lacunae then the immediate assistance could have been entertained but having not done so, the cause cannot be re-agitated and adjudicated on the newly originated issue in the year 2006 as the purpose of the scheme would be defeated for adjudicatory process overreach.

6. But taken in another aspect of the issue, as immediacy of assistance and the ground adopted, the Hon'ble Supreme Court while deciding the matter of compassionate appointment had held that compassionate appointment is not a matter of right. Had the applicant been a lone legal heir then the lacunae of minority would have been relevant, then of course the process would have been different as protection is envisaged for the family as a whole and not for any individual member of the family. The mental retardation of elder brother, according to the applicant, arose during the currency



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for application on compassionate appointment. It sounds to be too much to believe. But having been applied for the cause of elder son and since the person who sponsored the applicant is the mother a new cause cannot be seen to have arisen in the year 2006 for adjudication. Compassionate appointment as a policy is meant for immediacy of subsistence and not as a right to an employee to have any legal heirs to be appointed following his death in harness. A welfare scheme can be said to operate only within the definite parameters prescribed for it lest it spoil the entire administration matrix and such cannot be obviously allowed.

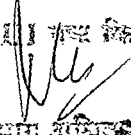
7. Therefore, O.A. fails and is hereby dismissed. No order as to costs.



[Dr. K.B. SURESH]
JUDICIAL MEMBER

Rss

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पेसे उपस्थिति में दिनांक 09-6-16
को नम-11 व 12 गृह किए गए ।


अनुभाग अधिकारी
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर न्यायपीठ, जोधपुर