

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BECNH.

No. O.A. 729 of 1997.

Present : Hon'ble Dr. B. C. Sarma, Member (A)

Hon'ble Mr. D. Purkayastha, Member (J)

NABA KUMAR HAMBIR

Vs

1. Union of India, through the General manager, E.Rly., Fairlie Place, Calcutta- 1.

2. the General Manager, E. Rly., Fairlie Place, Calcutta - 1.

3. the Divisional Railway manager, E.Rly., Howrah.

... Respondents.

For applicant : Mr. A.K. Poria, counsel.

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

heard on : 6.8.97 :: ordered on : 6.8.97.

O R D E R

B.C.Sarma, AM

This application has been filed by the applicant with the prayer that he may be granted compassionate appointment under the respondents. The applicant contends that his father, who was a railway employee, had died in harness sometime before 1973 and at that time he was a minor. The applicant's mother had made representation to the authorities concerned, but that did not elicit any favourable response from the respondents. The applicant has now filed this application with the prayer that direction be issued on the respondents to consider his case for compassionate appointment.

2. Mr. P.K.Arora, ld. counsel, appearing for the respondents strongly opposes the application. Mr. Arora invited our attention to the representation filed by the applicant himself on 15.10.96. It, therefore, appears that the applicant had represented for the first time on that date only. We find that contentions made in the application are very vague. No copy

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of the death certificate of the deceased railway employee has been annexed to the application. The submission made by the applicant has been that his father had died even before 1973, but the exact date has not been mentioned. The applicant further contends that he was a minor at that point of time. Even if we agree with the contention for argument sake that his father had died in 1973, ~~then~~ the applicant had attained majority before 1991, whereas the instant application has been filed only in 1997 and the first representation was filed in 1996. The railway authorities have also considered the matter and they have regretted on the ground that no compassionate appointment should be given in this case.

3. Hon'ble Apex Court has delivered catena of judgements laying down law regarding grant of compassionate appointment. Their Lordships held that compassionate appointment cannot be granted after a lapse of reasonable period when the crisis is over. Consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole bread winner ~~and~~ it cannot be claimed and offered whatever the lapse of time and after the crisis is over. This was held in the case of Umesh Kumar Nagpal Vs. State of Haryana & Ors, reported in JT 1994(3) SC 525. It is now clear that the crisis was faced by the applicant for the first time before 1973 and even when the applicant became a major he did not submit any representation to the authorities concerned. This shows that he was not needy at that point of time. Moreover, we observe that applicant's mother is in receipt of family pension from 1978. This being the position, and on the basis of the law laid down by the Hon'ble Apex Court, we are of the view that there is no justifiable ground on our part to interfere with the impugned decision taken by the respondents and no appointment is call for in this case. Accordingly, the application is liable to be dismissed.

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