

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH
- - - -

O.A. No. 805 of 1997.
- - - -

Present : HON'BLE DR. B.C. SARMA, ADMINISTRATIVE MEMBER.

HON'BLE MR. D. PURKAYASTHA, JUDICIAL MEMBER.

1. Smt. Full Kumari,
W/o- Ex-Mate under PWI/
Barsuan/CKP Divn, S.E. Rly,
residing at Vill & PO. Sendanga,
Dist- Purulia.

2. John Minz,
S/o- Late, Mongel,
Ex-Mate under PWI/CKP Divn.

... Applicants.

Vrs.

1. Union of India,
through the General Manager,
S.E. Rly, Garden Reach,
Calcutta- 43.

2. The Sr. Divl. Personnel Officer,
S.E. Rly, Chakradharpore,
Bihar.

... Respondents.

For applicants : Dr. S. Sinha, Counsel.

For respondents : Mr. S. Chowdhury, Counsel.

Heard on : 17.12.97.

Ordered on : 17.12.97.

O R D E R

B.C. Sarma, AM.

1. The grievance of the applicants in this petition is about the grant of compassionate appointment to applicant no. 2 who is a son of the deceased railway employee. The said employee was functioning as Mate under the PWI Barsuan, Chakradharpur division of S.E. Rly and he expired on 28.8.1969. The applicant no. 2 attained majority on 13.11.87 and the applicant no. 1, who is mother of applicant no. 1, had applied to the railway authorities for granting compassionate appointment but no action was taken by them.

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This petition has now been filed with the prayer that a direction be issued on the respondents to grant compassionate appointment to applicant no. 2.

2. When the admission hearing of the matter was taken up today, Mr. Chowdhury, ld. Counsel ~~is appearing for~~ the respondents.

3. We have heard the submission of the ld. Counsel for both the parties and perused record. There is a catena of decisions delivered by the Hon'ble Apex Court to the effect that the compassionate appointment cannot be claimed as a matter of right. It cannot be claimed at any time the applicant chooses and it has a specific purpose to ensure that the family, who does not have the facility of income because of sudden removal of the bread winner, can across the difficult financial crisis. We note in this case that the railway employee had expired about 29 years ago and it cannot be said that at such a distant time the need of the family is urgent as to grant a compassionate appointment.

4. In this context the decision of the Hon'ble Apex Court in the ^{/case of} Auditor General of India & Ors Vs. G. Ananta Rejeswara Rao (reported in 1994 (26) ATC 580) is relevant. A similar view was ^{/also} expressed by that Hon'ble Court in the cases of - Umesh Kumar Nagpal Vs. State of Haryana & Ors. (reported in JT 1994 (3) SC 925) and L.I.C of India Ltd. Vs. Asha Ramachandra Ambedkar & Anr. (reported in 1994 (27) ATC 174). On the basis of the said law laid down by the Hon'ble Apex Court, we find that the case does not have any merit at all and it is a stale claim. Moreover, the cause of action had arisen in this case as early as in 1988 and the present application has been filed only on 15.7.97. No justifiable ground or explanation has been adduced by the applicant for such inordinate delay. We, therefore, hold that the application is hopelessly barred by limitation.