

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No. 827 of 1997 along with
M.A. No. 287 of 1997

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

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

1. Smt. Gunjri Devi,
W/o- Lt, Budhan Ram,
1/H/20, Shibkrishna Daw Lane,
PO. Kakurgachi, Cal-54.
2. Sri Balkeshwar Ram,
son of Lt, Budhan Ram,
1/H/20, Shibkrishna Daw Lane,
Calcutta- 54.

... ... Applicants.

Vrs.

1. Union of India,
service through the
Secretary, Ministry of Mines,
Shastri Bhavan, New Delhi.
2. The Director General,
G.S.I, 27, J.N. Rd,
Calcutta- 16.
3. The Dy. Director General,
Coal Division, G.S.I,
Calcutta- 16.
4. The Director (Administration),
G.S.I, Calcutta.

... ... Respondents.

For applicants : Mr. P. Chatterjee, Counsel leading
Mr. K.C. Saha, Counsel.

For respondents : Mr. S.P. Kar, Counsel.

Heard on : 19.1.98.

Ordered on : 19.1.98.

O R D E R

B.C.Sarma, AM.

1. This application has been filed by the applicant no. 1 being widow of a deceased employee in the Geological Survey of India and applicant no. 2 is a son. The applicant no. 1 contends that when

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her husband died in harness on 2.7.1976, her son i.e. applicant no. 2 was about 21 years and she had filed representation about grant of compassionate appointment to the applicant no. 2 but that was turned down by an Order dated 10th March, 1977. She had filed further representation and in a Staff Union meeting the case was discussed and as per minutes of the meeting held on 4.5.1995 there was an assurance that the case of the applicant no. 1 for grant of compassionate appointment to the third son may be examined and will be referred to the Ministry of Mines; that has not yet been done, hence, the petition.

2. The applicants have also filed an M.A. bearing No. 287 of 1997 for condonation of delay.

3. Mr. Kar, ld. Counsel appears for the respondents and makes submission. He submits that the application is barred by limitation since the employee had died as early as in 1976.

4. We have carefully considered the submission made by the ld. Counsel for both the parties and perused records. As regards merit of the case, a catena of judgements passed by the Hon'ble Apex Court from time to time are relevant. Particular mention /here that may be made/the case of Umesh Kr. Nagpal Vs. State of Haryana & Ors. reported in JT 1994(3) SC 525, wherein the Hon'ble Apex Court had said that such appointment cannot be granted after a lapse of reasonable period and consideration of such appointment is not a vested right which can be exercised at any time in the 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., the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over. Similar Judgements have also been passed by the Hon'ble Apex Court, particularly, in the case of - Union of India & Ors. Vrs. Bhagwan Singh reported in (1995) 6 SCC 476. We find that, in this case, at the

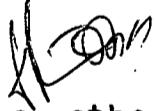
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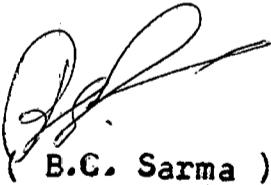


time of filing of the petition, the applicant no. 2, in favour of whom the applicant no. 1 prayed for compassionate appointment, was already about 41 years of age and today, when the matter was heard he is about 43 years. A lot of time have ~~been~~ elapsed between the time of death of the erst-while employee in the G.S.I and the filing of the application. Therefore, we do not find much merit in the application.

5. We would also like to observe that the application is hopelessly barred by limitation since the applicants have not shown satisfactory ground for condoning the delay in the M.A. we find that even the minutes of the meeting, on which the applicants rely, was held on 4.5.1995 and, thereafter, the instant petition has been filed on 22.7.1997. Therefore, we are of the view that there is no merit either in the M.A. or in the O.A and as such liable to be dismissed.

6. For the reasons given above, we do not find any merit in the application. The M.A. also does not have any merit and there is no ground for condonation of delay. The application is also barred by limitation. For all these reasons the matter is dismissed without passing any order as to costs. The M.A. is also disposed of accordingly.


(D. Purkayastha)
Member (J)


B.C. Sarma)
Member (A)