

In The Central Administrative Tribunal  
Calcutta Bench

CA 959 of 1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

- 1) Bina Dolai, W/o Late Amulya Chandra Dolai, a resident of Salika, P.O. Hariatara, Dist: Midnapore.
- 2) Sujan Kumar Dolai, son of Late Amulya Ch. Dolai, a resident of Salika, P.O. Hariatara, Dist: Midnapore.

.... Applicants

- Versus -

- 1) Union of India, service through the Secretary, M/o Defence, Raksha Mantranalaya, New DELHI.
- 2) G.O.C. Head Quarters, Eastern Command, G.S. Branch, Fort William, Calcutta.
- 3) C.O.S. Head Quarters, 33 Corps, C/o 99A.P.O.
- 4) Administrative Commandant, Air Officer Commanding, 5 Wing (AF), P.O. Kalaikunda, Dist: Midnapore.

.... Respondents

For the Applicants : Mr. N.C. Chakraborty, Counsel

For the Respondents : Ms. B. Ray, Counsel

Heard on : 15-12-2000

Date of Order : 15-12-2000

ORDER

One Smt. Bina Dolai and Sujan Kumar Dolai, being widow wife and son respectively, applied for appointment on compassionate ground in favour of the applicant No.2 Sri Sujan Kumar Dolai on the ground that the father of the applicant No.2 Sri Amulya Chandra Dolai, while he was working as Laskar in the Office of the respondents, expired on 22-12-1983. At that time the applicant No.2 was minor. After attaining the majority in the year 1997, the applicant No.1 Smt. Bina Dolai applied for appointment on compassionate ground in favour of her second son Sri Sujan Kumar Dolai, applicant No.2 since she was in

distress due to pre-mature death of her husband. But respondents asked the applicant No.2 to submit the particulars and necessary documents for consideration of the case of the applicant No.2 for appointment on compassionate ground. Accordingly, medical examination was held in respect of applicant NO.2. Thereafter, the respondents did not intimate any decision regarding selection of the applicant No. 2 for appointment on compassionate ground. Hence, she approached the Tribunal for issuing necessary direction upon the respondents to consider the case of the applicant No.2 for appointment on compassionate ground.

2. Respondents denied the claim of the applicants by filing a written reply to the O.A. In the written reply the respondents stated that immediately after the death of Amulya Ch. Dolai, his first son applied for appointment on compassionate ground in the year 1984 and that was considered and rejected by the authorities, vide order dated 18-2-1989 (Annexure-R/III). After receipt of the application from the applicant No.1 it was considered by the respondents again and ultimately respondents decided the matter on 4-4-1997 and that has been communicated to the applicant vide letter dated 4-4-1997.

3. Id. Counsel for the applicants contended that the applicant No.1 did not receive the letter or decision dated 4-4-1997; rather she was called for interview with the officer for appointment on compassionate ground on 26-5-1997 (ANNEXURE-A/10).

4. Id. Counsel for the applicants strenuously contended before me that the respondents considered the case of the applicant No.2 and medical test was held. Thereafter, no decision has been communicated to the applicant. Rather the respondents invited the applicant to meet the officer concerned to explain the allegation regarding employment on compassionate ground which would be apparent from the letter dated 26-5-1997 (Annexure-A/10). So, applicant is entitled to get appointment on compassionate ground ~~under the Scheme~~ under the Scheme.

5. Id. Counsel Ms. Ray appears on behalf of the respondents and submits that immediately after the death of the deceased employee, the

first son made an application for appointment on compassionate ground and that has been considered and rejected by the authorities. Thereafter the respondents were silent over the matter. After 12/13 years the applicant No.1 approached the respondent authorities by filing representation dated 28-8-1996 suppressing the material facts of the earlier rejection of the application of the first son. Since the matter has been delayed for more than 12 years, therefore, applicants are not entitled to get any appointment on compassionate ground under the Scheme.

6. I find that the principle regulating the appointment on compassionate ground is no longer res-integra. The object of compassionate appointment is to enable the family of the deceased employee to tide over sudden financial crisis and to provide employment. So, mere death of the employee is not sufficient to entitle the dependants of the family to compassionate appointment. In view of the catena decisions of the Hon'ble Supreme Court, it is admitted fact in this case that the employee died in the year 1983 and his first son applied for appointment on compassionate ground and that has been rejected by the authorities after due consideration of the case of the first son. Thereafter, applicant No.1 applied for appointment on compassionate ground in favour of her second son after 12 years with this plea that at the time of death of her husband the second son was minor and the eldest son was living separately and he was not rendering any financial assistance to the applicant. The material facts itself indicate that the matter has been delayed for more than 12 years from the date of death of the deceased employee. In a case of Haryana State Electricity Board - versus - Naresh Tarwar and ANR. reported in 1996 SCC (1&S) 816 and Jagdish Prasad & Ors. - versus - State of Bihar 1996 SCC (1&S) 303 where the Hon'ble Apex Court held that belated claim cannot be entertained if son and daughter attaining majority after 12 or 13 years long from the death of the deceased employee. Moreover, I am satisfied that the application is barred by limitation because applicants did not apply for appointment on compassionate ground within six months from the date of attaining the majority of the applicant.

2. In view of the aforesaid circumstances, I am of the view that anyhow the applicant could have maintained her family without financial assistance for more than 12 years. This circumstance negatives the necessity of compassionate appointment. Therefore, application is devoid of merit and liable to be dismissed. Accordingly, it is dismissed.

*Mo/15/1980*  
( D. Purkayastha )  
Member (J)

DKN