

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

No. O.A. 979 of 1997.

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

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

SMT. PADMA RANI BARDHAN

Vs.

1. Union of India, through the
Secretary, Min. Urban Affairs &
Employment, Nirman Bhawan, New
Delhi.

2. Directorate of Printing
Service, through the Director of
Printing, Nirman Bhawan, New
Delhi.

3. Manager, Govt. of India Press,
1, Temple Street, Calcutta - 12.

Respondents.

For applicant : Mr. B.K.Das, counsel.

For respondents :

heard on : 9.9.97 :: ordered on : 9.9.97.

O R D E R

B.C.Sarma, AM

The dispute raised in this application is about the grant of compassionate appointment to the applicant No.2, who is the son of an employee under the respondents, who had died in harness sometime in 1985. The applicants are aggrieved by the impugned order passed on 16.11.95 rejecting the prayer for grant of compassionate appointment.

2. We have heard both the parties and perused records. We find that the applicant No.1 had submitted a representation on 7.7.91 which was turned down by the respondents as early as on 17.10.91. The applicant submitted, as per the contention of Mr.Das, a series of representations and ultimately it was rejected by the impugned order dated 16.11.95. We find that the matter was duly considered by the respondents, but they did not find any justification for grant of compassionate appointment.



2.

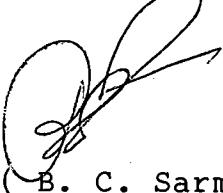
3. The Hon'ble Apex Court in a catena of decisions has clearly laid down the law that compassionate appointment cannot be claimed as a matter of right and also it cannot be claimed at any point of time. We note that applicant's first son was a major at the time of death of the erstwhile employee and he was gainfully employed. The applicant contends in the petition that immediately after the death of the ex-employee, she had submitted representation for grant of compassionate appointment. But we note that there is no explanation whatsoever as to why the applicant had submitted her representation only in 1991 after a lapse of six years. This application has been filed against the impugned order dated 16.11.95 and the application has been filed on 17.8.97. We, therefore, find that it is a stale claim and the application is hopelessly barred by limitation. On the basis of the law laid down by the Hon'ble Apex Court, so far as the merit of the case is concerned, we are of the opinion that there is no justification for grant of any compassionate appointment and hence, the application is liable to be dismissed in limine.

4. In view of the above, we hold that the application is devoid of merit and it is also barred by limitation. The applicant is also guilty of delay and laches. For all these reasons, the application is dismissed, at the stage of admission itself, without passing any order as to costs.



(D. Purkayastha)

MEMBER (J)



(B. C. Sarma)

MEMBER (A)