

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

No.O.A.1276 of 1997

Date of order : 16.1.09

Present : Hon'ble Dr. D.K. Sahu, Judicial Member
Hon'ble Mr. C. Chatterjee, Administrative Member

Kamalendu Karmakar,
Son of late Ratneswar Karmakar,
Residing at Village and P.O.
Abhoynagar, P.S. Bally,
District: Howrah

.....Applicant

Vs.

1. The Union of India, service through the Director of Printing "B" Wing, Nirman Bhaban, New Delhi-110011
2. The Director of Printing "B" Wing, Nirman Bhavan, New Delhi-110011
3. The Deputy Director(A-III), "B" Wing, Nirman Bhavan, New Delhi-110011
4. The General Manager, Government of India Press (Public Unit), Santragachi, Howrah
5. The Assistant Manager(ADMN.), Government of India, Press, Santragachi, Howrah

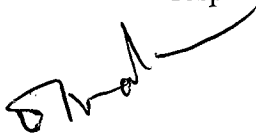
.....Respondents

For the applicant : Mr. A. Chakraborty, counsel
Mr. T.K. Biswas, counsel

For the respondents : Mr. P.K. Chatterjee, counsel

ORDER

The applicant, son of one Ratneswar Karmakar who while serving under the respondent No.4 died on 28.08.1994, has filed this application for grant of a



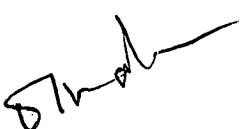
compassionate appointment. A representation has been made on 11.11.1994 for grant of an appointment to the applicant as the deceased employee died leaving the family in financial crisis. The respondent authorities directed the applicant to place the necessary documents for their perusal. Subsequently by the impugned order dated 30.05.1996(Annexure 'J') the representation was rejected. The applicant submits that the family did not have any income and was solely dependent on his deceased father, accordingly the order of rejection is whimsical and sustainable. Thus he seeks to quash the impugned order and issuance of a direction to the respondents to grant appointment to applicant No.2 on compassionate ground.

2. Respondents submit that necessary enquiry has been made about the financial condition of the family and it was found that the family was not in penury warranting an appointment on compassionate ground.

3. We have perused the pleadings and documents annexed thereto. Ld. counsel for both sides have been heard.

4. In the prescribed format for representation at Annexure R-1 the applicant has stated that the family had some income from LIC policy and C.G.E. Insurance. The respondents conducted enquiry through the concerned Collector of the district wherein it is stated that out of the retiral benefits received by the widow a sum of Rs.45,000/- was kept in a fixed deposit. The representation itself reveals that the family kept Rs.45,000/- in fixed deposit in the year 1994-1995. The application for grant of compassionate appointment was turned down on 30.05.1996 vide impugned order but the original application was filed only on 12.11.1997. Section 21 of the Administrative Tribunals Act provides that within one year from the date of impugned order, an application should have been filed before the Tribunal. In this case such application was filed after delay of few months. No explanation has been given for the delay. Thus application needs to be rejected on the ground of expiry of the period of limitation to file O.A.

5. In the case of Umesh Kumar Nagpal v. State of Haryana & Others, 1995(1) SLJ-229 it is observed :-



“ The appointment on compassionate ground cannot be a source of recruitment. It is merely an exception to the requirement of law keeping in view the fact of the death of employee while in service leaving his family without any means of livelihood. In such cases, the object is to enable the family to get over sudden financial crisis.”

The delayed filing of application strengthens the inference that the family had no financial crisis. In case of State of J&K v. Sajad Ahmed Mir 2007(1) AISLJ -219, the Apex Court observed that when the family could survive in spite of the death of the employee, at a belated stage the family should not get the benefit of compassionate employment. In the case of National Institute of Technology & Another vs. Niraj Kumar Singh(2007)1 SCC(L&S) 668 by the time the employee died, the son was a baby, still the Hon'ble Supreme Court held that compassionate appointment cannot be granted to the son after he attained majority more than 15 years after the death.

6. In the instant case, the employee died on 28.08.1994. The representation for compassionate appointment in proper format was filed on 24.01.1995 vide Annexure R-1. It was rejected by the impugned order dated 30.05.1996 vide Annexure 'J'. But this original application has been filed on 12.11.1997. Initially the original application was dismissed for default. The fact of delayed filing of the original application coupled with the fact that it is now 2009 and that the family has been maintaining themselves without any appointment on compassionate ground to a member of the family amply reveals that the family is not in penury warranting an appointment on compassionate ground.

7. The principle laid down by the Supreme Court in the aforesaid cases is thus squarely applicable to the facts of this case. The O.A. is thus devoid of merit and dismissed. No order as to cost.


MEMBER(A)


MEMBER(J)