

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

OA. 1394 of 1997

Date of Order: 20-01-98.

Present: Hon'ble Mr.Justice S.N.Mallick,Vice-Chairman.  
Hon'ble Dr. B.C.Sarma,Administrative Member.

BISWAJIT SHAW

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr.B.Kumar, counseel.

For the respondents: NONE.

Heard on: 29-01-98.

O R D E R

B.C.Sarma,A.M.

The Dispute raised in this petition is about grant of compassionate appointment to the applicant, who is the grand-son of one deceased employee of Kanchrapara Workshop under the respondents. One Gokul Behari Shaw, who expired in harness on 26.12.1950 at the age of 54.years. The applicant contends that a number of representations was filed for grant of compassionate appointment to the Railway authorities but to no effect. The first such representation was made by the wife of the deceased railway employee in 1951 and the last representation was made by the applicant in 1998. Hence this petition.

None appears for the respondents though the copy of the application has been served on them.

We have heard the 1d.counsel for the applicant, perused records and have considered the facts of the case. The law regarding granting compassionate appointment has been



laid down by the Hon'ble Apex Court in a catena of decisions. Mention may be made of the decision of the said Hon'ble Court in the case of Auditor General of India & Ors.-VS-G.Ananta Rajeswara Rao, reported in 1994,ATC(Vol.26) ,pg.580. In the judgement the Hon'ble Court has observed that the appointment was confined to son,daughter or widow of the deceased employee to relieve economic distress by sudden demise in harness of the govt. employee, <sup>it is unexceptionable;</sup> But in other cases it cannot be a rule to take advantage of the Memorandum to appoint those persons to those posts on the ground of compassion. The said Hon'ble Court had also decided in the case of Umesh Kr.Natpal-VS-State of Haryana & Ors., reported in JT 1994 SC 525 to the effect that compassionate appointment cannot be granted after the lapse of <sup>considerable</sup> a required period, the consideration for such appointment is not a vested right which can be exercised at any time in 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 appointment cannot be claimed and offered whatever the lapse of time and after the crisis is over. Similar observation was also made by the Hon'ble Apex Court in the case of Union of India & Ors.-VS-Bhagwan Singh reported in 1995 SCC(Vol.6) page 476 and other cases.

In this case, we find that the death <sup>took place</sup> was held as early as in 1950 and the family has gone through the economic distress, whatever it may be, for the last 48 years. As such, for distress for death, no compassionate appointment can be claimed by the applicant who is neither the son nor the wife of the deceased railway employee but the grandson of the deceased employee who was not even born at the time of death of the deceased employee. We are, therefore, of the view that this application does not have any merit at all and be summarily rejected.

In view of the aforesaid, we do not find any merit in this application and the application is dismissed summarily

