

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. 1433 of 1997

Date of Order: 09-02-98.

Present: Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.

Hon'ble Mr. S. Dasgupta, Administrative Member.

JIBAN KR. SEN

-VS-

UNION OF INDIA & ORS.

For the petitioner: Mr. A.K. Ghosh, counsel.

For the respondents: Mrs. U. Sanyal, counsel.

Heard on: 09-02-98.

O R D E R

S. Dasgupta, AM.

In this application, the petitioner has prayed for compassionate appointment. We have heard the 1<sup>st</sup>. counsel for the petitioner and also perused the Original Application with its annexures. Mrs. Sanyal, 1<sup>st</sup>. counsel, appears for the respondents and she has also been heard.

Through this application (in para 4(iii)), the applicant seeks a direction from the respondents to consider his representation for appointment on compassionate ground. It appears from the averments made in the Original Application that the applicant's father, who was a railway employee, died <sup>left behind</sup> on 10.3.70 leaving the applicant and his three sisters. It is stated that he could not apply for compassionate appointment at that time as he was only two years old. It is stated that he attained majority only in 1987 and thereafter, he applied for the compassionate appointment. Although he claims to have

made several representations, copies of the said representations do not bear with any date. He has also stated that his mother is no more and all his sisters have been married off.

The provision for compassionate appointment is an extra-ordinary provision which is resorted only to provide ~~the sufferer~~<sup>succour</sup> to the family left behind by the sole bread-winner, to overcome immediate financial distress. In this case, the applicant's father died in 1970 and thereafter 28 years have passed. Only the death of a Govt. employee does not ipso facto apply anywhere in the world to obtain a compassionate appointment. It is entirely depend on the financial condition of the family which is left behind. The very fact that the family has survived for 28 years and would lead to a presumption that it is not in any way in a distressed condition at this stage. Moreover, the family only consists of ~~himself~~ the petitioner himself and there is no other dependent.

In view of the foregoing, we find no merit in this application and the same is dismissed in limine at the admission stage. No order as to costs.

  
(S. Dasgupta)  
Member (A)

  
(S.N. Mallick)  
Vice-Chairman.