

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No.163 of 1997

Present: Hon'ble Dr. B.C. Sarma, Administrative Member

Hon'ble Mr. D. Purakayastha, Judicial Member

Bhadeswar Sardar,

s/o Late Gour Ranjan Sardar,
residing at Vill. Dhanberia,
P.O. Indrapara, P.S. Baruipur
Dist. 24 Parganas (Sourth)

VS

1. The Union of India, service through
The General Manager, E. Rly, Calcutta
17, Netaji Subhas Road, Calcutta-1

2. The Divl. Rly. Manager, E. Rly.
Sealdah, Kaiser Street, Calcutta-14

3. The Sr. Divl. Engineer, E. Rly. Sealdah,
Kaiser Street, Calcutta-14

4. The Sr. Divl. Personnel Officer, E. Rly.
Sealdah, Kaiser Street, Calcutta-14

5. The Chief Inspector of Works(CIOW), E. Rly.
Sonarpur at P.O. & P.S. Sonarpur,
Dist. 24 Parganas(Sourth)

... Respondents

For the Applicant : Mr. B.K.P. Karan, counsel

For the Respondents: Mr. C. Samaddar, counsel

Heard on 10.2.1998

Date of order: 10.2.1998

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 who is the son of a deceased casual Khalasi working under CIOW/Sonarpur under the respondents. The said employee had died in harness on 15.10.85.

The applicant's mother had made an application for final settlement with the estate of her deceased husband but that was denied on the ground that the service of the deceased employee was not regularised.

Following that, his mother filed an OA bearing No.1071 of 1991 which was disposed of by an order dated 22.2.94 whereby the deceased employee was deemed to have been regularised in service. Consequently

the applicant's mother was given family pension and other dues, but now the applicant is before this Tribunal with the prayer that he be given a compassionate appointment.

be given a compassionate appointment.

2. When the admission hearing of the matter was taken up today, Mr. C. Samaddar, learned counsel for the respondents opposes the application. He also prays for time to file the reply in this case. Since a simple issue has been raised in this case we are of the opinion that the matter should not be adjourned any further and it can be disposed of at the stage of admission itself.

3. In view of the submissions of the learned counsel of both the parties and perusing the records it is found that the service of the deceased employee was regularised as per the order of this Tribunal and the applicant's mother was given the benefit of family pension and other dues. But we note at the same time that the applicant's father had died in harness as early as in 1985. Moreover, the deceased employee's wife is not a party before us. Compassionate appointment is granted basically for the benefit of the widow of the deceased employee who is put to extreme financial hardship because of the sudden death of the bread winner of the family. Moreover, the family has gone through the difficult time for the last 13 years or so and at this distant date the applicant cannot come before this Tribunal to get compassionate appointment. The Hon'ble Apex Court in the case of Haryana State Electricity Board V. Naresh Tanwar and another, reported in (1996)8 SCC 23 observed that belated claim for grant of compassionate appointment on attaining the age of majority by the son and daughter after 12-13 years cannot be a binding consideration for grant of compassionate appointment. Similar view was expressed by the Hon'ble Apex Court in the case of Auditor General of India and others v. G. Ananta Rajeswara Rao, reported in (1994)26 ATC 580 and in the case of Umesh Kr. Nagpal v. State of Haryana and others, reported in JT 1994(3)SC 525. We are, therefore, of the view that although the service of the deceased employee was regularised only in 1994, the applicant cannot be given the compassionate appointment keeping the law laid down by the Hon'ble Apex Court. Consequently the application is liable to be dismissed.