

In the Central Administrative Tribunal
Calcutta Bench

OA No.221 of 1997

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Mst. Amina Bibi & Anr.

Vs.

S.E. Railway

For the Applicant : Mr. B.C. Sinha, Advocate

For the Respondents: Ms. B. Ray, Advocate

Heard on 8-7-98

Date of Judgement : 8-7-98

ORDER

When the case is taken up for admission, I heard Id. Advocates of both the parties. According to the applicant, the husband of the applicant No.1 who was working as Khalashi under respondents died on 12.4.78 in harness. Thereafter, she made representation for settlement dues due to death of her husband and ultimately in the year of 1987 she made application for appointment on compassionate ground in favour of her second son under the scheme of compassionate appointment. According to the applicant, she is in distress condition on account of sudden death of her husband in the year 1978 and that condition is still prevailing. After the death of her husband in the year of 1987 onwards she made several representations to the authorities; but she did not get any favourable reply from the authorities on that point of employment assistance. It is also stated by the applicant that respondents asked her for furnishing some information/documents in respect of the second son vide letter dated 9.11.94 for consideration. She furnished the same vide letter dated 7.1.95 (Annexure 'A-9' to the application)

and thereafter, she did not get any reply from the respondents for appointment on compassionate ground in respect of her second son. She also made another representation on 6.6.95 to the General Manager, South-Eastern Railway. Having received no reply from the respondents till date she has approached this Tribunal by filing this application on 27.2.97 for direction upon the respondents to consider the case of the applicant No.2 on compassionate ground.

2. Respondents did not file any reply in this case; but at the time of admission hearing Ms. Ray for the respondents submits that the instant application is hopelessly barred by limitation. The applicant made delay in seeking the benefit of employment assistance under the scheme of compassionate appointment. Since application is a delayed one and the first son of the applicant No.1 working, thereby there is no ground for consideration of the appointment of the applicant No.2 on compassionate ground; so application should be dismissed.

3. I have considered the submissions of Id. Advocates of both the parties. Id. Advocate Mr. Sinha for the applicant also submits that there is a scheme framed by the railway by which the period of compassionate appointment from the date of death of the govt. employee has been extended upto 20 years. So, in pursuance of the scheme the applicant's right of appointment comes within the purview of the said scheme and thereby, respondents should be directed for consideration of the appointment of the applicant No.2. In view of the aforesaid circumstances, I find that the controversy regarding appointment on compassionate ground on delayed application is no longer *res-integra*. By several judgement of the Hon'ble Supreme Court i.e. in a case of Umesh Kumar Nagpal 1994 (4 SCC) 448, the case of Uttar Pradesh Versus Paresh Nath 88 SCC (L&S) 570, held that the purpose of providing employment to a dependent of a govt. servant dying in harness in preference to anybody else is to mitigate the hardship caused to the family on account of unexpected death of the govt. servant while still

in service and such appointments are permissible on compassionate ground provided there are rules providing for such appointment. The purpose of the scheme is to provide immediate financial assistance to the family of the deceased govt. servant; none of the consideration can operate when the application made after a long period of time say - 17 years. In view of the decision of the Hon'ble Supreme Court, I find the case of the applicant is covered by the judgement of the Hon'ble Appex Court as mentioned above. So, the application is dismissed at the admission stage itself on the ground of limitation and also ^{it is} devoid of merit awarding no cost.

Handwritten signature
(D. Purkayastha)
Member (J)