

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 483 of 1997

Date of order : 6.9.2004

Present : Hon'ble Mr. D.C.Verma, Vice-Chairman
Hon'ble Mr. M.K.Mishra, Administrative Member

GULAB CHAND & ANR.

VS.

UNION OF INDIA & ORS. (S.E.Rly)

For the applicants : Mr. B.C.Sinha, counsel
For the respondents : Mr. S.Chowdhury, counsel

O R D E R

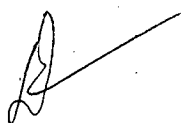
Mr. D.C.Verma, VC:

By this O.A. the applicant has claimed quashing of the order dt. 19.11.1996 (Annexure A-5) and letter dt. 27.12.96 (Annexure A-14). It is further claimed that a direction be given to the respondents to consider the applicant's case for appointment on compassionate ground as Sr. Clerk of Stores Depot in the scale of Rs. 1200-2040/-.

2. The short point involved in the case is that the applicant No. 1, Gulab Chand was medically de-categorised from service. Applicant No. 2 is the son of Applicant No. 1. Applicant No. 2 was given offer of appointment as Commercial Clerk in December, 1996. The Applicant No. 2 accepted the same, completed the training and thereafter joined the post.

3. The grievance of the applicant is that he is B.Com, LLB and knows typing also, so he be considered for the post of Sr. Clerk in the scale of Rs. 1200-2400/-. The Ld. Counsel for the applicant submitted that the applicant's case was recommended by the Dy. COS vide his note dt. 12.12.95. As per the note the applicant possesses high qualifications of B.Com, LLB so his case was recommended for being considered against available vacancies of Sr. Clerk in various Stores Depots. The Ld. Counsel submits that the respondents be directed to consider the applicant's claim accordingly.

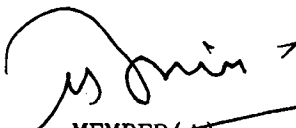
4. Counsel for both the parties have been heard. The objective of the compassionate appointment is to enable the dependants of a

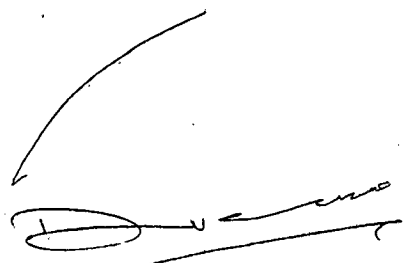


deceased employee to tide over sudden financial crises and to provide employment against the normal rules. This is because as a rule, appointment in Public Service, is required to be made strictly on the basis of open invitation of applications. No other mode of appointment nor any other consideration is permissible in violation of the Service /Recruitment Rules. Appointment on compassionate ground is exception to the general rule as a social welfare measure to provide livelihood to the dependants of an employee who dies prematurely leaving his family in penury and without any means of earning.

5. Keeping the aforesaid in view, once the applicant has accepted and joined the post offered for appointment on compassionate ground, the main condition that the family is in indigent condition would not be applicable to claim appointment on compassionate ground. The Apex Court in the case of State of Rajasthan Vs. Umrao Singh 1994 (6) SCC P-560 considered a similar case and held that once the appointment as LDC has been accepted by the respondent, his right to be considered for appointment on compassionate ground is consummated and no further consideration on compassionate ground would ever arise, otherwise, it would be a case of endless compassion. It was also observed that once the respondents accepted the appointment on compassionate ground, direction to consider appointment as Sub-Inspector of Police could not have been given.

6. In view of the discussions made above the relief claimed in O.A. cannot be granted. The O.A. lacks merit and is dismissed. No costs.


MEMBER (A)


VICE-CHAIRMAN