

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 51 of 1996

Thursday, this the 20th day of March, 1997

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. K. Rakhi,
D/o Late V.N. Kamalakaran,
Vadakke Veettil House,
PO Puthenchira Thekkumuri,
Trichur District. .. Applicant

By Advocate Mr. P Santhosh Kumar

Versus

1. The Commanding Officer,
Topkhana Abhilekh,
Artillery Records,
Nasik Road Camp - 422 102

2. The Director General, Resettlement,
Ministry of Defence,
Moulana Azad Road, New Delhi-11

3. Director General of Artillery,
Directorate General of Artillery (Arty-3),
General Staff Branch,
Army Headquarters, DHQ PO,
New Delhi - 110 011

4. The Union of India represented by
the Secretary,
Ministry of Defence, New Delhi.

5. Director of Employment Exchange,
Government of India, Ministry of Labour,
(Directorate General of Employment
and Training), Ex-Serviceman Cell,
2A/3, Kundan Mausin, Asaf Ali Road,
New Delhi - 110 002 .. Respondents

By Advocate Mr. TPM Ibrahim Khan, SCGSC (R1-4)

The application having been heard on 20th March 1997,
the Tribunal on the same day delivered the following:

O R D E R

The applicant seeks to declare that she is
entitled to be given employment assistance by the

contd..2

respondents and to set aside A-1 order dated 30th of October, 1995.

2. The applicant is the daughter of late Sri V.N. Kamalakaran who was working under the respondents. The applicant's father Kamalakaran died on 5-12-1971. The applicant was born on 13-1-1971. The applicant's mother applied for employment assistance to the applicant on compassionate ground on 15-6-1991. The request was turned down as per A-1.

3. The stand of the respondents is that the applicant cannot claim appointment on compassionate grounds as a right at this belated stage.

4. In Haryana State Electricity Board Vs. Naresh Tanwar and Anr. etc. (JT 1996 (2) SC 542), it has been held that:

"For these very reasons, the compassionate employment cannot be granted after a lapse of reasonable period which must be specified in the rules. The consideration for such employment 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 breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over."

In the light of what is stated in the above ruling, this OA is only to be dismissed.

5. Accordingly, the Original Application is dismissed. No costs.

Dated the 20th of March, 1997



A.M. SIVADAS
JUDICIAL MEMBER

LIST OF ANNEXURE

1. Annexure A1: True copy of the order No. 1601/T-7/
Cas-94/NE dated 30.1095 issued by 1st respondent.

.....