

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA**

O.A. No. 376 of 2006

Date of order : 27.07.2007

C O R A M

Hon'ble Ms. Sadhna Srivastava, Member (J)

Janmejay Kumar Pandey, S/o Late Bali Ram Pandey, r/o village – Kapardhika, P.O. Bhairoganj, P.S. Bagaha, District -West Champaran.

....Applicant

By Advocate : Shri I.D. Prasad

Vs.

1. The Union of India through the General Manager, E.C.Railway, Hajipur.
2. The Divisional Railway Manager, E.C. Railway, Samastipur,[Bihar].

....Respondents

By Advocate : Shri R. Griyaghey

O R D E R [Oral]

Sadhna Srivastava, M (J):-

The applicant seeks direction upon the respondents to provide him appointment on compassionate ground.

2. The facts are that one Baliram Pandey who was unmarried and working as Khalasi in E.C. Railway died in harness on 14.12.1991. The applicant is nephew of said Baliram Pandey. He claims that he was adopted by his uncle, Baliram Pandey and a



registered deed of adoption was also executed in the year 1988. It is not disputed that the retiral dues of Baliram Pandey have been paid to him. The applicant alleges that he was born on 30.1.1977. Therefore, on attaining majority, he requested for appointment on compassionate ground. However, he was not provided the same. Therefore, the prayer is to issue a direction to respondents to consider him for appointment on compassionate ground.

3. The object of compassionate appointment is to enable the penurious family of the deceased employee to tide over the sudden financial crisis. Therefore, the Supreme Court, in the case of Punjab National Bank vs. A. K. Taneja,¹ 2005 (1) SLJ 30 has laid down that it has no relevance after long years of death of an employee. The same view has been expressed by the Apex Court in the case of electricity Board vs. Naresh Kanwar, 1996 (8) SCC 23. Again in the case of Jagdish Prasad vs. State of Bihar, 1996 (1) SCC 301, it has been emphasized that the delay is sufficient ground to reject the claim, because the compassionate appointment cannot be sought on the line of succession.

4. In the instant case, the death of the adoptive father



occurred in December, 1991. The present application has been filed in 2006. The applicant's age (according to the date of birth 30.1.1977 as disclosed by him) is now more than 30 years. There is no liability in the family. The applicant has survived well after the death of his adoptive father since 1991. In the circumstances, this Tribunal is of the considered opinion that it is not appropriate to issue a direction to the respondents as prayed.

5. Consequently, the OA is dismissed without any order as to the costs.



[Sadhna Srivastava] M [J]

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