

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH.

J A I P U R.

O.A. No. 184/93

Date of decision: 26.5.1994.

EHAGWAN SAMAI BAIRWA : Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

Mr. K. Kamal Singh : Counsel for the applicant.

Mr. M. Rafiq : Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the parties.

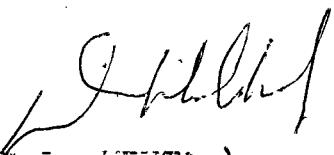
2. The applicant is aged 28 years. His father expired in 1978. He moved his application for the first time, according to him, in 1983, that is, after 5 years of the death of his father. His application was considered and remained pending with the authorities. He applied again and again and his application has been rejected vide Annexure A-1, dated 3.3.93 in which it has been mentioned that his application dated 26.3.91 has been considered and the Railway Board has declined to relax the period.

3. After the Judgement of Hon'ble Supreme Court in the cases of Auditor General's and Umesh Kumar Nagpal's, the question of compassionate appointment has been settled to a great extent and no routine appointment can be given. Applicant's mother was alive and is still alive. She could have applied for compassionate appointment if really it was needed. The applicant has submitted the application for employment on compassionate grounds in 1983. If a person can maintain for five years, he can maintain for the future also. The need must be the immediate one and it cannot be postponed or deferred. Only because the mother does not want appointment and the son was minor who applied after five years after attaining the majority, appointment cannot be given.

4. The respondents are directed to consider the matter in the light of the Judgments of the Hon'ble Supreme Court,

particularly, Auditor General's case and Umesh Kumar Negpal's case and to give compassionate appointments according to the law laid down by the Hon'ble Supreme Court within a zone of permissible limits. As far as the case of the applicant is concerned, I do not find force in it. It is not a case to give an appointment on compassionate grounds. He will have to face the open market competition.

5. The O.A. is disposed of accordingly, with no order as to costs.


(D.L. MEHTA)
Vice-Chairman