

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.310/2000

Date of order: 26/3/2007

Ramu Sharma, S/o late Sh.Bal Krishan Sharma, R/o  
Jaswant Nagar, Bharatpur.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt. of India, Deptt. of Defence, New Delhi.

2. Commandant, Ammunition Depot, Bharatpur.

...Respondents.

Mr.S.K.Jain : Counsel for applicant

Mr.Sanjay Pareek : Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the relief sought by the applicant is to direct the respondents to consider the applicant for appointment on compassionate grounds on the post of L.D.C.

2. In brief facts of the case as stated by the applicant are that father of the applicant, Sh.B.K.Sharma, expired on 22.9.79. while in service leaving behind his widow, one daughter Geeta and the applicant. It is stated that the applicant was minor at the time of his father's death. After becoming major, the applicant filed an application dated 25.11.94 for his appointment on compassionate grounds but the applicant was not given any appointment. Thereafter, he filed representation to the competent authority in February 1997. The respondents vide letter dated 4.3.97 was asked the applicant to register his name in the Employment Exchange and in pursuance of that

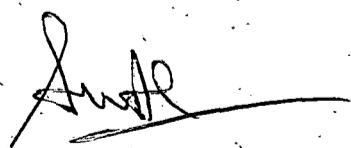


letter, the applicant got his name registered in the Employment Exchange. It is stated that the applicant is a Post-Graduate in Political Science and the mother of the applicant is getting family pension in which it is very difficult to pull up two hands together. It is stated that the amount received by the mother was spent for the marriage of her daughter, therefore, the applicant is in indigent condition. It is stated that there are 3 vacancies of LDCs in the Ammunition Depot on which two girls have appointed and the third post is vacant. Therefore, the applicant sought relief to direct the respondents to consider his candidature for appointment on compassionate grounds.

3. Reply was filed. In the reply, it is stated that the applicant expired on 22.9.79 at that time the applicant was only 7 years of age and he filed an application on 25.11.94 after he became major on 18.8.90. It is also stated that the applicant filed the application for appointment on compassionate grounds after 15 years of the death of his father, therefore, as per the decision of the Apex Court, the claim of the applicant is barred by limitation and the same can be rejected only on this ground. Therefore, the applicant is not entitled to any relief sought for.

4. Heard the learned learned counsel for the applicant and perused the records and the written submissions filed on behalf of the respondents.

In Jagdish Prasad Vs. State of Bihar, (1996) 1 SCC 301, Hon'ble Supreme Court has observed that the very object of appointment of a dependent of the deceased employee who died in harness is to relieve unexpected immediate hardship and distress caused to the family. In the case of Union of



India Vs. Bhagwan Singh, 1995(6) SCC 476, in Haryana State Electricity Board & Anr. Vs. Hakim Singh, JT 1997 (8) SC 332 and in Haryana State Electricity Board Vs. Naresh Tanwar 1996(2) SLR SC 11, the Hon'ble Supreme Court has taken a similar view.

6. In the case of State of U.P Vs. Paras Nath, AIR 1998 SC 2612, Supreme Court set aside the judgment of Allahabad High Court and laid down as under:

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 of the employee on account of his unexpected death while still in service. To alleviate the distress of the family, such appointments are permissible on compassionate grounds provided there are rules providing for such appointment. The purpose is to provide immediate financial assistance to the family of a deceased Govt servant. None of these considerations can operate when the application is made after a long period of time such as seventeen years in the present case.

7. In Sanjay Kumar Vs. State of Bihar, AIR 2000 SC 2782, it has been laid down that such reservation on compassionate grounds are made only with an intent to provide immediate relief to the family of the deceased employee. There cannot be a reservation of a vacancy till such time as petitioner becomes major after a number of years unless there is some specific provision. The very basis of compassionate appointment is to see that family gets immediate relief.



8. In Narayan Bhattacharya & Anr. Vs. UOI & Ors, ATJ 2001(1) 601, Calcutta Bench of the Tribunal held that claim of appointment by the son of the deceased Govt employee on compassionate grounds is not sustainable because nearly 8 years have already expired after the death of Govt employee, therefore, emergent nature of crisis on account of death of employee cannot be said to have continued till now. Hence, the family cannot be said to be in considerable financial stringency.

9. In the instant case, admittedly, the deceased employee died on 22.9.79 and at that time the age of the applicant was only 7 years and now he appears to be of more than 28 years. There is no other responsibility on the shoulders of the applicant which was left over by the deceased employee. The mother of the applicant is getting the family pension. Therefore, in view of the facts and circumstances of this case and settled legal position as mentioned above, the applicant has no case for interference by this Tribunal and I can only say that the respondents has not committed any error in rejecting the claim of the applicant.

10. In view of above all, I am of the opinion that the applicant has no case and this O.A devoid of any merit is liable to be dismissed.

11. I, therefore, dismiss this O.A having no merits with no order as to costs.



(S.K. Agarwal)

Member (J).