

CENTRAL ADMINISTRATIVE TRIBUNAL,
JABALPUR BENCH,
JABALPUR

O.A. No. 86 of 2006

Jabalpur, this the 14th day of February, 2006

Hon'ble Shri Justice R.K. Batta, Vice Chairman

Sukhdeo Ram Sahu, S/o. Late
Jhumuk Ram Sahu, aged 38 years
(B.C.), R/o. Village Koliyari, Post
Bhakhara Distt. Dhamtari,
C'garh.

..... Applicant

(By Advocate – Shri S. Johar)

VERSUS

1. Union of India, Ministry
of Defence, Raksha Bhawan,
New Delhi.

2. Garrison Engineer, Military
Engineering Services, Sagar M.P.

..... Respondents

ORDER (Oral)

Heard counsel for the applicant.

2. The father of the applicant died on 11.10.1977 when the applicant was aged 10 years. The case of the applicant is that after attaining majority, he applied for compassionate appointment and thereafter made repeated representations but the compassionate appointment was not granted to him. The mother of the applicant also died on 26.11.2002. On 11.5.2005 the applicant sent a legal notice to the respondents.

3. As per the case of the applicant himself, he was ten years old at the time of his death of his father on 11.10.1977, which means that the applicant had attained majority somewhere in the year 1985. The applicant states that he made an application for compassionate appointment which is at Annexure A-2 but neither it is stated on the application nor in paragraph 4.2 of the OA that when the said application was made. Though the applicant claimed^s that he made repeated

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representations and sent reminders, none of the said documents have been filed except the legal notice dated 11.5.2005.

4. It is now well settled that the compassionate appointment cannot be granted after a lapse of reasonable period 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 of compassionate appointment is to enable the family to get over the financial crises which it faced at the time of death of the sole breadwinner and the compassionate appointment cannot be claimed and offered after lapse of time. These principles have been laid down by the Apex Court in Umesh Kumar Nagpal Vs. State of Haryana & Ors., 1994 (27) ATC 537. The Apex Court in National Hydroelectric Power Corporation and another Vs. Nanak Chand and another, 2005 SCC (L&S) 357 has also laid down that such considerations do not operate when the application is made after a long period of time i.e. to say after 17 years. In that case the father of the respondent therein had died on 10.12.1976. After attaining majority in 1986 the respondents filed an application for appointment on compassionate ground which was rejected. After a lapse of seven years of the initial rejection of the request, a Writ Petition was filed and the High Court has ordered compassionate appointment. The Apex Court in the facts and circumstances of the case and after placing reliance on a number of earlier judgments of the Apex Court held that compassionate appointment obviously could not be granted after a long lapse of 17 years.

5. In the case before me the father of the applicant had died in 1977 and he attained majority in 1985. We are in 2006 now i.e. to say two decades after the applicant had attained majority. At this distant point of time, the question of granting compassionate appointment does not arise. Accordingly, I do not find any merit in this OA and the OA is summarily rejected with no order as to costs.



(R.K. Batta)

Vice Chairman

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पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पतिलिपि अनंशित:-

- (1) सचिव, उच्च न्यायालय जार एमरिगेशन, जबलपुर
- (2) आदेशक श्री/श्रीमती/वृ.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/वृ.....के काउंसल
- (4) मंत्रपाल, वीप्रअ, जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

Arvind Sharma
B.L.M.S

16/5/06
मुख्य निरीक्षक

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16.2.06