

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Applications No 891 of 2005

Bilaspur, this the 22nd day of September, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Smt. Peela Bai
W/o Late Shri Kalaram
Aged about 45 years,
House Wife,
Residing at : C/o Chedilal,
Trolleyman, Rly Qr.No.34/2,
Railway Colony, Bhatapara
Dist. Balodabazar (CG)

Applicant

(By Advocate – Shri B.P.Rao)

V E R S U S

1. Union of India,
Through : The General Manager,
South East Central Railway,
Bilaspur Zone, G.M. Office,
PO Bilaspur
Tehsil & District : Bilaspur (CG).
2. The Divisional Railway Manager,
South East Central Railway,
Bilaspur Division, Bilaspur
Tehsil & District : Bilaspur (CG) Respondents

O R D E R(Oral)

By M.P. Singh, Vice Chairman –

By filing this Original Application, the applicant has sought the following main relief :-

"8.2to pass another direction to the Respondent/s, to comply with the judgment and Order passed by the Hon'ble Tribunal in T.A. 136/1987 and to dispose Applicant's pending representation dated 20.5.1989 (Annexure A-4) to consider the Applicant's case for compassionate ground Appointment in Railways."



2. The brief facts of the case as stated by the applicant are that husband of the applicant was working as Gangman with the respondent-railway. He died in harness on 20.11.1980. The applicant has claimed that she is second wife of the deceased Government servant. She preferred a Civil Appeal No. 34A/1984 in the court of First Additional Judge to the Court of District Judge Bilaspur, which was transferred to this Tribunal under the provisions of Section 29 of Administrative Tribunals Act, 1985. The Tribunal vide order dated 29.4.1988 (Annexure-A-1) has disposed of the aforesaid TA by directing the respondents "to consider relaxation of the existing circulars to permit appointment of one more dependent of the deceased on compassionate grounds and employment could also be offered to the plaintiff as she has to bear the responsibility of bringing up and maintaining her minor children born through deceased Kalaram irrespective of the fact whether the enquiry referred to above establishes her to be the legally married second wife of deceased Kalaram or not. This question should be examined and settled within three months of the date of communication of this order". Thereafter, the applicant has submitted representations to the respondents but there was no response from the respondents and no decision has been taken. Hence, she has approached this Tribunal.

3. Heard the learned counsel for the applicant and carefully perused the pleadings.

4. In the present OA, the applicant has sought a direction to the respondents to comply with the order passed by the Tribunal on 29.4.1988 in TA No.136/1987 i.e. after passing of 17 years. The directions were given by the Tribunal to the respondents to relax the Rule for the engagement of the applicant on the ground that she has small children born out of the deceased Government who were to be brought up. We find that the scheme of Compassionate appointment, issued by the Government of India, was introduced with an object to

grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency. Thus the purpose of grant of compassionate appointment is to give immediate financial help and this Tribunal has granted the relief vide order dated 29.4.88 to the applicant only on this ground. Now 17 years have passed and the children have become major and the family is managing ^{its affairs} for the last 25 years i.e. after the death of the Government servant. Therefore, there is no justification or necessity of giving immediate financial help to the family. Compassionate appointment cannot be considered as a source of recruitment to give employment through the back door. In the facts and circumstances of the case, we do not find any justification for entertaining this application for appointment on compassionate ground after lapse of 25 years. Before we may part we may also observe that if the order dated 29.4.1988 was not complied with by the respondents, the applicant could have moved a miscellaneous application for execution of the order within a period of one year. Thus, the relief sought for the applicant in this OA to direct the respondents to comply the order passed in TA No.136/87 is barred by limitation in view of the decision of the Hon'ble Supreme Court in the case of *Hukum Raj Khinwara Vs. UOI (1997) 4 SCC 244.*

5. In the result, the OA is rejected at the admission stage itself.

(Madan Mohan)
Judicial Member

M.P.Singh
M.P.Singh)
Vice Chairman

पूछांकन से ओ/व्या.....	जबलपुर, दि.....
पूछांकन से ओ/व्या.....	जबलपुर, दि.....
(1) समिति, ८०० टक्का दर से घाट रुपीया, जबलपुर	वे तारांसत
(2) ओडेंस श्री/क्री/री/यु.....	वे तारांसत
(3) प्रत्यर्थी की दैनिक/पृष्ठ.....	वे तारांसत
(4) अंगरेज, २०० टक्का दर, रुपीया	सर्वज्ञा एवं अविद्यक घार्ड्स देव

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