

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 413 of 2003

Jabalpur, this the 29th day of January, 2004

Hon'ble Mr. G. Shanthappa, Judicial Member

Ganesh Prasad son of late  
Banarsiram R/o P-2-171-172  
Madangheer New Delhi.

APPLICANT

(By Advocate - Shri K.G. Mathur on behalf of  
Shri S.K.P. Verma)

VERSUS

1. Union of India,  
Through the Secretary Ministry of  
Defence- New Delhi.
2. Chairman,  
Ordnance Factory Board,  
Netaji Subhash Road-Kolkatta.
3. Commandant,  
Central Ordnance Depot,  
Jabalpur.

RESPONDENTS

(By Advocate - Shri Om Namdeo)

ORDER (ORAL)

The above OA has been filed by the applicant seeking a direction to the respondents to consider the representation of the applicant in respect of appointment on compassionate ground in place of his father on a suitable post, by issuing him appointment order within specific period.

2. The brief facts of the case are, that the father of the applicant died in harness on 28.4.1989, leaving behind 4 sons. The applicant is one of the sons of the deceased and he applied on 21.7.01 for appointment on compassionate ground. The respondents had sent a letter to the applicant to submit certain documents as per the letter dated 30.7.01. He submitted all the necessary documents as asked for on 7.1.2002 (Annexure-A-8) and 14.11.2002 (Annexure-A-9) respectively. The applicant approached the respondents, when there was no response from the respondents, he approached this Tribunal for aforesaid relief.

3. The respondents have filed their reply, contending that, the applicant had applied for appointment on compassionate ground in the year 1989, but the application was not supported with any documents, he was informed to submit the necessary documents vide their letters dated 21.9.1989, 19.4.1991, 4.7.1991 and 30.7.1991. His case could not be placed before the Board of officers for consideration.

3.1. After lapse of 14 years, he had submitted 2nd application on 21.7.2001 for employment in relaxation to normal rules. As a one time measure, to consider more than 5 years old cases in the quarterly Board i.e. January to March 2001, the applicant was asked to submit requirements, but the applicant failed to submit the same within the time frame. Thereafter, his case was rejected on the ground of belated claim. In view of the judgment of the Hon'ble Supreme Court reported in JT 1994(3) SC 525, the case of the applicant cannot be considered. Hence they pray for dismissal of the OA.

4. I have heard the learned counsel for either sides, perused the pleadings and documents.

5. Admitted facts are that the claim of the applicant is belated one as he has made his request for appointment on compassionate ground after lapse of 14 years from the date of death of his father. The applicant managed to survive from the date of the death of his father i.e., since more than 14 years. The case is not covered under the existing instructions issued by the DOPT. The scheme for appointment on compassionate ground is for those who are in immediate financial distress and they can avail the benefit. The way in which the applicant has approached the respondents for appointment on compassionate ground is, very casual. He approached the respondents <sup>very</sup> belatedly.



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The other elder 3 brothers have not come forward with the said request. If really <sup>there was a</sup> the financial distress, either one of the brothers would have approached the respondents for the said claim. Hence I am of the opinion, that the claim of the applicant is belated. The belated claim ~~therefore~~ of the applicant is not covered under the existing instructions issued by the DOPT, in view of the Hon'ble Supreme Court judgment reported in 2003 SCC(L&S) 1183 Director, Defence Metal Research Laboratory and another Vs. G.Murali, Para 4 and 5 reads as follows :-

4. We do not find any flimsy ground or technicalities in the Tribunal's order. In fact, we find the High Court's order to be unsustainable. There has been a failure to appreciate what the Tribunal had rightly taken into account, namely, that the writ petitioner and his family had coped without the compassionate appointment for about eighteen years. There was no warrant in such circumstances for directing the writ petitioner's appointment on compassionate grounds and that too with the direction to the respondents to the writ petition to create a post to accommodate him.

5. It is fair to state that learned counsel for the writ petitioner has not supported the order under appeal but has submitted that the respondents to the writ petition be asked to examine the case of the writ petitioner all over again in the light of the guidelines dated 17.2.1988 issued by the Govt of India, Department of Personnel and Training. Having regard to the fair attitude taken, we would appreciate the respondents looking into the matter afresh in the light of the guidelines.

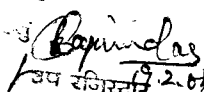
6. As ~~per~~ observed above, the applicant has not made out any case, the OA is devoid of merits. The same is dismissed.

No costs

  
(G. Shanthappa)  
Judicial Member

पूवार्थी वी. प्रदीप  
वकील  
(1) सचिव  
(2) अध्यक्ष  
(3) प्रमुख  
(4) सहायक प्रमुख  
सूचना एवं प्रचार विभाग  
सूचना एवं प्रचार विभाग

SK P Velmam  
Am Nandoo

  
P. Srinivas  
सचिव

Filed  
on  
20/12/09