

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 211 of 1999

Jabalpur, this the 15th day of September, 2003

Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Asad Javed, aged about 20
years, s/o. late Abdul Habib,
R/o. 11/11 Sadar Bazaar,
Saugar (M.P.).

... Applicant

(By Advocate - None)

V e r s u s

1. Union of India, through
Ministry of Defence (Production),
South Block, New Delhi.
2. Director General/Chairman,
Ordnance Factories Board,
10-A Auckland Road, Calcutta.
3. General Manager,
Vehicle Factory,
Jabalpur (M.P.).

... Respondents

(By Advocate - Shri B.da. Silva)

O R D E R

This Original Application is for compassionate
appointment of the applicant.

2. The facts in brief are that the applicant's father was working in Vehicle Factory, Jabalpur on the post of Skilled Workman and he died in harness on 17.07.1980. At the time of death of his father the applicant was minor. After attaining majority the applicant gave applications/representations for compassionate appointment. The respondents by their communication dated 25.08.1998 (Annexure A-3) required the applicant to submit all the relevant documents, which he submitted. However no action has been taken by the respondents.

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3. The respondents have stated that the employee died on 17.07.1980 and the application for grant of compassionate appointment was submitted by the applicant on 20.05.1995 i.e. 15 years after the death of the deceased employee. The application was rejected vide order dated 24.06.1995 (Annexure R-1), which was also issued to the applicant. They have stated that the compassionate appointment is to provide immediate financial assistance to the family and the application 15 years after the death of the employee is hopelessly barred by time and cannot be considered. However the applicant's case was considered twice and was not found to be a fit case for offering appointment on compassionate ground. The respondents have cited the judgment of the Apex Court in the case of Life Insurance Corporation of India Versus Mrs. Asha Ram Chandra Ambekar passed in Civil Appeal No. 1381 of 1994, where it has been held that the Tribunal do not have powers to direct appointment on compassionate ground and the jurisdiction of mandamus cannot be exercised for this purpose.

4. I have heard the learned counsel for the respondents. It has been found that the learned counsel for the applicant has not been presenting himself for the last several dates and therefore the case was decided on merits. I have seen the pleadings on both the sides.

5. The compassionate appointment is for providing immediate succour to the bereaved family. This has been held in several cases by the Apex Court as well as by the Tribunal that the consideration for appointment on compassionate ground is not a vested right that can be exercised at any time. The object is to enable the family

to get over the financial crises which it faces at the time of death of the sole bread-earner. The compassionate appointment cannot be claimed and offered whatever the lapse of time and after the crises ~~are~~ over. Apart from the case of Mrs. Asha Ram Chandra Ambekar (supra) there are several other cases which are Umesh Kumar Nagpal Versus State of Haryana and others 1994(2) SLR 677; Haryana State Electricity Board and another Versus Hakim Singh 1999(1) SLJ (SC) 114, in addition to several cases decided by the Tribunal on the same lines. The employee died in 1980 and it is only after 15 years that the son moved an application for compassionate appointment. The urgency and the immediacy which is a purpose of compassionate appointment is not there in the present case. Compassionate appointment cannot be claimed as a matter of right. Hence, I do not find any merit in this original Application.

6. In the result the original Application is dismissed.
No costs.

Anand Kumar Bhatt
(Anand Kumar Bhatt)
Administrative Member

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| पृष्ठांकन सं ओ/न्या..... | जवलपुर, दि..... |
| पतिलिपि अच्छे छित्त:- | |
| (1) सदिका, उत्तर व्यायामाला चार प्रैरेसिलाइन, जवलपुर | |
| (2) दार्शनिकी/स्प्रिंकी/लु | दे वारंसल |
| (3) प्राचीनी/प्रैरेसिली/लु | दे काउंसल |
| (4) रामेश्वर, दृ. १३०, जवलपुर व्यायालेट | |
| सचिवा एवं आवश्यक कार्यवाही हेतु | — |

W. H. D. Steen
उप दस्तावेज़ 26/9/03