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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No.78 of 1998

Jabalpur, this the 6th day of January, 2003.

Hon'ble Mr.R.K.Upadhyaya, Member (Admnv.)

1. Harnam Singh Maravi
S/o late Shri Mahendra Lal,
aged about 20 years, R/o Village
Chandia, Post Majhgaon, Tehsil Baihar,
District Balaghat (M.P.)

2. Smt. Jayanti Bai,
W/o late Mahendra Lal Maravi,
aged about 40 years, R/o village
Chandia, Post Majhgaon, Tehsil Baihar,
District Balaghat (M.P.)

-APPLICANTS

(By Advocate- Ku.Malti Dadariya)

Versus

1. Union of India through
Secretary, Ministry of Defence,
New Delhi.

2. The Chairman,
Ordnance Factory Board,
10-A, Ockland Road, Calcutta.

3. General Manager,
Vehicle Factory, Ranjhi,
Jabalpur (M.P.)

-RESPONDENTS

(By Advocate- Mr.S.C.Sharma)

ORDER

By this Original Application, the applicants have assailed orders dated 15.10.1997 and 16.8.1991 by which the request of the applicants for appointment of applicant No.1 on compassionate ground has been rejected by the respondent No.3.

2. It is claimed by the applicants that father of the applicant No.1 and husband of the applicant No.2 Shri Mahendra Lal Maravi was working in the Vehicle Factory, Jabalpur as Fitter where he died in harness on 31.5.1982.

It is claimed by the applicant No.2 that she applied for compassionate appointment of applicant No.1 as per letter dated 22.6.1991 (Annexure A/4) after her son attained majority. Earlier also she had applied as per letter dated Nov.1989 (Annexure A/3) and her son was 15 years. The respondents vide their letter dated 16.8.1991 (Annexure A/2) had informed that the case of the applicant was in the category of delayed claims for compassionate appointment, therefore the same could not be considered. By another letter dated 15.10.1997 (Annexure A/1), applicant No.2 was informed that her son Harnam Singh Maravi could not be offered compassionate appointment on the death of his father as more than five years had elapsed since the death of the Government servant in 1982. It is stated by the learned counsel of the applicant that dependents of the deceased Government servant are eligible for being considered for employment on compassionate ground. The applicant No.1 being the son of the deceased Government servant, should have been offered employment after the death of his father. Since he attained majority, he had approached the respondent No.3, but the rejection is uncalled for because the applicant No.1 could ask for compassionate appointment only after attaining majority.

3. The learned counsel of the respondents invited attention to the reply filed, wherein it has been stated that the deceased Government servant died on 31.5.1982. The applicant No.2, widow of the deceased Government servant had applied in the year 1991 after a lapse of nine years. The claim being highly belated was barred and not found fit for offer of compassionate appointment. Therefore, the

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applicants were informed accordingly as per letter dated 16.8.1991 (Annexure A/2). A subsequent letter received from the applicant through Shri Baburao Parande, M.P. was replied to and the applicant was informed as per letter dated 15.10.1997 (Annexure A/1). The respondents claim that the scheme of compassionate appointment is for rendering financial assistance to the members of the family of the deceased Government employee immediately after the loss of bread-winner. In view of long years of delay, it can be presumed that the applicants had some source of livelihood and they could survive even without compassionate appointment. Therefore, the order of respondents needs no interference.

4. After hearing the learned counsel of both the parties, and after perusal of the records, it is noticed that there is nothing to explain the delay in asking of compassionate appointment after the death of the deceased Government servant except the fact that the applicant ^{no.1} was a minor during that period. It has rightly been convassed by the respondents that scheme of compassionate appointment is for rendering financial assistance to the surviving members of the deceased Government employee on untimely death of the sole bread-winner. In this case, the Govt. servant died in 1982 and the claim has been made only after attaining majority by the applicant No.1 after a gap of nine years. The Hon'ble Supreme Court in the case of Sanjay Kumar Vs. State of Bihar, 2000(7) SCC 192 have held that a post cannot be kept vacant for the minor to attain majority. The Hon'ble Supreme Court have further held that the scheme of compassionate appointment is to



give financial help immediately on the death of the Govt. servant to alleviate the financial distress of the surviving members of the Government servant. On the facts of this case, there is no scope for any interference in the impugned orders of the respondents, which are in accordance with the scheme of compassionate appointment.

5. In view of the matter, this O.A. being devoid of any merits is dismissed without any order as to costs.

Ch. 27 May 1971

(R.K.Upadhyaya)
Member (Admnv.)

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पूछांकन सं लो/न्या.....जबलपुर, दि.....
प्रियंका अधोलिपि :-

- (1) गोपनीय अमित शर्मा, अधिकारी, जबलपुर
- (2) गोपनीय अमित शर्मा के काउंसल
- (3) गोपनीय अमित शर्मा के काउंसल
- (4) अधिकारी, अधिकारी, अधिकारी, अधिकारी

सूचना एवं आवश्यक वार्तावाही हेतु

*15/5/1971
उपर्युक्त दिनांक
8/1/63*

*15/5/1971
8/1/63*