

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Jaipur, this the 3rd day of March, 2005.

OA No.63/2005.

CORAM : HON'BLE SHRI V. K. MAJOTRA, VICE CHAIRMAN.

Heera Lal Choudhary,
S/o Late Shri Jagdish Prasad Jat,
aged about 33 years,
R/o2824, Hari Jethi Ka Chowk,
Bagru Walon Ka Rasta,
Purani Basti,
Jaipur.

...Applicant.

By Advocate : Shri Rajendra Vaish.

Vs.

1.Union of India through
the Secretary,
Finance Department
(Audit and Accounts),
Government of India,
North Block,
New Delhi.

2.Accountant General
C/o A. G. Office, Jaipur
Government of India,
Statue Circle,
Jaipur.

... Respondents.

:ORDER :

By V. K. Majotra, Vice Chairman.

Heard Learned counsel for the applicant.

2. The applicant is aggrieved that he has not been appointed on compassionate ground. It is stated that applicant's father was working as Accountant with the respondents. He died in harness on 1.5.1995. Applicant's brother made an application for appointment on

compassionate ground on 18.9.1997 (Annexure A/2). When respondents did not take any action on his application he filed OA No.130/98 which was disposed of vide order dated 30.4.1998 (Annexure A/4) with a direction to respondent No.2 to consider applicant's notice for demand of justice dated 28.1.1998 treating it as a representation as per Rules, instructions and guidelines on the subject within a period of three months. Learned Counsel pointed out that respondents did not take any action up to 2001 and that his brother Chhote Lal, who was the Applicant in OA No.130/98 was verbally informed in 2002 that he was not eligible for appointment as he did not fulfil educational qualifications, thereupon he committed suicide. Learned Counsel further stated that applicant in the present case filed representation dated 17.12.2004 (Annexure A/10), after the death of his brother, for his own appointment on compassionate grounds as his brother who had earlier filed the application for appointment on compassionate ground had died. Learned Counsel stated that respondents be directed to consider applicant's case for appointment on compassionate grounds.

3. To a specific query, Learned counsel for the applicant stated that applicant's brother who was applicant in the earlier OA died in 2001; while applicant's father died on 1.5.1995. Directions were given vide order dated 30.4.1998 when applicant's brother's OA No.130/98 for seeking appointment on compassionate ground was disposed of with a direction that respondents should consider notice for demand of justice dated 28.1.1998 as a representation as per rules, instructions and guidelines within a period of three months. Applicant has not explained ^{when} ~~why~~ within the stipulated period or within a reasonable period order dated 28.1.1998 in OA NO.130/98, respondents did not take

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appropriate action on representation, why no legal remedy was resorted to by the applicant therein. He was alive for more than three years after the decision in OA No.130/98. Applicant in the present case has come up after a period of three years of the death of his brother seeking employment on compassionate ground. Applicant's father died in May 1995. the Tribunal had directed vide Annexure A/4 dated 30.4.1998 to consider applicant's brother's claim for appointment on compassionate ground within a period of three months. Applicant's brother's ^{alive lb} was ~~alive~~ for three years after the said decision and after a lapse of another three years, the present application ^{-nt} ~~tion~~ has come up with claim for appointment on compassionate grounds.

4. Trite law on the subject is that while employment on compassionate ground is purely on humanitarian considerations and no appointment can be claimed as a matter of right, the main object of the scheme is to provide immediate financial help to the family of the deceased employee, ^{lb} while applicant's brother had slept over claim for a number of years despite Tribunal's decision ^{that his lb} ~~to consider~~ application was to be considered within a period of three months from 30.4.1998, applicant herein has preferred his claim after about a decade of the death of the government employee, after over six years of Tribunal's decision dated 30.4.1998 and after over three years of death of his brother who was applicant in earlier OA. Parties have to pursue their rights and remedies promptly and not sleep over their rights. If they choose to sleep over their rights and remedies for an inordinately long time, the Court may well choose to decline to interfere in its discretionary jurisdiction under Article 226 of the Constitution of India.

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5. Further more, while compassionate appointment is intended to enable the family of the deceased employee to tide over the sudden crisis resulting due to death of the sole breadwinner, who died leaving the family in penury and without sufficient means of livelihood, ⁱⁿ the present case, a period of 10 years having elapsed since the death of the government employee, the present application does not ^{e/h} ^h met the test of fulfillment of the objection ^{-ve h} of ^{Scheme h} seeking for providing employment on compassionate ground.

6. If one has regard to the reasons as discussed above, this application has not merit at all and is dismissed accordingly in limine.

V. K. Majotra
(V. K. MAJOTRA) 3.3.05
VICE CHAIRMAN