

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

**OA No. 1627/2016
MA 1593/2016**

New Delhi this the 13th day of May, 2016

Hon'ble Smt. Jasmine Ahmed, Member (J):

Amit Sethi,
S/o Late Sh. Prithvi Raj Sethi,
R/o 3054/A, Gali No.5A,
Ranjeet Nagar, New Delhi-110008 ... Applicant

(By Advocate: Mr Praveen Kr. Singh)

VERSUS

1. Department of Posts
Through Chief Postmaster General,
Delhi Circle, New Delhi-110001

2. Union of India
Through Cabinet Secretary,
Cabinet Secretariat, Government of India,
Rashtrapati Bhawan,
New Delhi-110004

ORDER

This is a case where the father of the applicant died on duty on 1.02.1999 while working as Cleaner at Mails Motor Services, Naryana. After the death of the father, the mother of the applicant preferred representation dated 1.03.1999 for engagement of Applicant on compassionate ground. Again representation was given on 15.09.1999 and 29.09.1999 for compassionate appointment to the applicant, but nothing has been done by the respondents. Yet another representation was given by the mother of the applicant to the respondents on 11.03.2002.

2. It is the contention of the learned counsel for the applicant that the applicant has given a detailed representation dated 02.04.2014, but I find that the representation was sent to the Chief Post Master General on 26.05.2015, as the postal receipt of speed post is attached at page no. 35 which shows clearly the date of sending the representation on 26.05.2015. The Scheme of Compassionate appointment has been evolved and introduced to give assistance and support to a bereaved family who has suddenly lost the bread earner and faces the distress and unable to sustain. Here in this case, I find that father of the applicant died on 1.02.1999 and after the death two or three representations were given in the year 1999 and after 1999, the first representation preferred was in the year 2002 and after that the representation has been seen to respondents for compassionate appointment in the year 2015, as per the receipt of the postal order. Hence it does not reflect that the applicant or the family was facing hardship or was very much in need of any compassionate appointment to sustain themselves. Hon'ble Apex Court through various judgments has held that if any body is sleeping over his right then after a long time the applicant cannot be entitled for any relief. I feel that the very purpose and ethos of the Compassionate Scheme for grant of compassionate appointment is not very much attracted in this case. Since February 1999 if the family could have sustained themselves and approached the Court only in the year 2016 then it does not reflect at all that the family is in dire need of compassionate appointment to sustain themselves. Hence the OA lacks merit. The same is accordingly dismissed.

**(Smt.Jasmine Ahmed)
Member (J)**

'sk'