

Central Administrative Tribunal  
Principal Bench

**OA No.2663/2017**

New Delhi, this the 9<sup>th</sup> day of August, 2017

**Hon'ble Mrs. Jasmine Ahmed, Member (J)**

Narendra Kumar Mishra  
s/o Sh. Chotken Mishra,  
R/o A-550, 3<sup>rd</sup> Floor, Pandav Nagar,  
Naraina Deepo,  
New Delhi – 110 008.

...Applicant

(By Advocate: Shri Sandeep Tyagi)

Versus

1. Steel Authority of India through  
General Manager,  
Ispat Bhawan, Lodhi Road,  
New Delhi – 110 003.
2. The General Manager,  
Bhilai Steel Plant, Bhilai Nagar,  
Durg, Chattishgarh.
3. Union of India through  
Secretary,  
Ministry of Steel, Udyog Bhawan,  
New Delhi.

...Respondents

**ORDER (ORAL)**

The instant OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents to consider his case for compassionate appointment.

2. Before going into the merits of the case, it is not disputed by the applicant's counsel that the father of the applicant, who was working with respondent no.2 as P.No.49962 Duplication Machine D.M.O., died on

01.07.1984. It is the contention of the learned counsel for the applicant that the wife of the deceased employee applied for compassionate appointment but she was denied the same on account of her being illiterate and she was advised that her son can apply for compassionate appointment. Accordingly, learned counsel contended that the applicant, after having attained majority, applied for compassionate appointment on 07.02.1999. It is also the contention of the applicant's counsel that the applicant kept on contacting the respondents and submitting his representations but no reply was received by him in regard to his representations. However, the applicant received certain information under the Right to Information Act on 12.11.2016 enclosing therewith letter dated 14.10.2016 (pages 15 to 17 of the OA) wherein it has been categorically mentioned that as the claim of the applicant is 30 years old from the date of natural death of deceased employee, there is no provision in the policy of giving appointment in case of natural death. Further, at serial no.3, it has been mentioned that as per memorandum of agreement on wages reached between the Management of Bhilai Steel Plant and Steel Plant Workers Union on 15.07.1989 (Clause 5.4.1 (F), compassionate appointment is provided

to one of the deceased dependents only in case of death due to accident arising out of and in course of employment.

3. Undisputedly, the father of the applicant expired on 10.07.1984 and the applicant has filed the instant Original Application on 01.08.2017 i.e. after a delay of more than 18 years from the date of his attaining majority. It is an established fact that appointment on compassionate grounds is meant only for one of the family members of such deceased employees who are reduced to a state of destitution on account of sudden death of the sole bread winner. The lack of adequate interest shown by the applicant indicates that the family was not reduced to such state of destitution that it could not survive without the appointment on compassionate appointment. Instead, it has survived well so as to pursue an expensive litigation. Hence, the object of the policy for compassionate appointment does not attract at all in this case.

4. Having heard the learned counsel for the applicant, I am of the view that the instant OA is misconceived as well as hit by laches and delay and the same stands dismissed accordingly.

**(Jasmine Ahmed)**  
**Member (J)**

/AhujA/