

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH****(CIRCUIT BENCH AT SHIMLA)**

**Miscellaneous Application NO. 063/00407/2018 in
Original Application NO. 063/00319/2018**

Shimla, this the 17th day of May, 2018

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

Niranjan son of late Smt. Ram Piari, widow of late Sri Pinja Ram,
resident of village Buhli Kothi, P.O. Paprola, Tehsil Baijnath,
District Kangra, (H.P.)

....APPLICANT

(Argued by: Shri Adarsh K. Vashista, Advocate)

VERSUS

1. Union of India, Ministry of Railways, Northern Railway, New Delhi through General Manager.
2. The Senior Divisional Manager, Northern Railways, Ferozpur, Distirct Ferozepur (Punjab).

....RESPONDENTS

(By Advocate: None)

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J)

Despite service, nobody put in appearance on behalf of respondents.

2. We have heard Sh. Adarsh Kumar Vashista, learned counsel for applicant on application for condonation of delay of more than one year in filing the accompanying Original Application (O.A).

3. We have gone through the pleadings and are of the view that this application deserves to be dismissed as by means of present O.A. the

applicant seeks direction from this Tribunal to direct the respondents to consider his case for appointment on compassionate ground.

4. Facts as stated in the O.A. are that father of the applicant died way back on 11.01.1969. At that time, the applicant was minor. He attained majority in the year 1989. Thereafter, applicant kept mum and for the first time mother of the applicant approached this Tribunal by filing O.A. NO 318-HP-2008 for grant of family pension, DCRG and other consequential benefits, which was allowed vide order dated 6.4.2010 by granting the benefits arising out of death of her husband. At that time, admittedly mother of the applicant had not made any prayer in the O.A. for appointment of her son on compassionate ground. For the first time, applicant submitted a representation on 29.6.2016 to Hon'ble Prime Minister of India for appointment on compassionate ground. This representation was forwarded to respondents to decide his representation (Annexure A-5), which was replied by DRM, NR, Firozpur vide letter dated 7.11.2016 which reads as under:-

“ In reference to your request as above for appointment on compassionate ground in lieu of your father late Sh. Pinja Ram, Ex-Fireman, SSE/loco/BJPL expired on 11.01.1969 while in service, it has been observed that this is case of more than 45 years old from the date of death of deceased and even more than 25 years elapsed from the date of attaining the age of majority by yourself.

As per extant instructions contained in PS-13542 & 13822 (copies enclosed), your request for appointment on compassionate ground does not covered under the said rules, hence cannot considered for CG appointment at this belated stage.

However, if your wish to attend the CG Adalat on 10.11.2016, you may come with all relevant documents of your CG appointment.”

5. Perusal of the above makes it clear that the age of the applicant was 45 years when he for the first time moved representation for appointment i.e. after a lapse of almost 25 years from the date of cause of action when his father died. The object of

compassionate appointment is to tide over immediate financial crisis. It is not a heritable right to be considered after an unreasonable period. It is an exception to the general rule that recruitment to public services should be on the basis of merit, by an open invitation providing equal opportunity to all eligible person to participate in the selection. The dependant of employee, who die in harness, do not have any special claim or right to employment, except by way of the concession that may be extended by the employer under the Rules or by a separate selection, to employ the family of the deceased to get over the sudden financial crisis. Reference in this regard is made in the case of **Umesh Kumar Nagpal Vs State of Haryana**- 1994 SCC (4) 138, **LIC Vs Asha Ramchandra Ambekar** -1994 (2) SCC 718 & **Kendriya Vidyalaya Sangathan & Ors. Vs. Shri Dharmendra Sharma** (2007) 8 SCC 148, which are authorities on the subject. Since the applicant has not approached the Court well in time, and filed the present O.A. after lapse of 25 years, after 48 years death of deceased, therefore, we see no reason to accept this O.A. The delay is to be counted from the cause of action that is date of death of his father and not from the date when he submitted representation to Hon'ble Prime Minister of India. Therefore, present M.A. is dismissed being time barred. Consequently, the O.A. also stands dismissed being time barred.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 17.05.2018

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