

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00575/2017

&

OA/310/01119/2017

Dated Thursday the 8th day of February Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

G.Muthukumarasamy,
S/o. Late Gomathinayagam,
Manthankoil Street,
Kilakulam, Veeravanallu Post,
Nellai Kattabomman District.Applicant

By Advocate M/s. P. Raja

Vs

1. Government of India,
rep by its General Manager,
Department of Atomic Energy,
Heavy Water Plant,
H.W.P. Colony, Tuticorin 628007.
2. The Assistant Personnel Officer,
Department of Atomic Energy,
Heavy Water Plant, H.W.P. Colony,
Tuticorin 628007.Respondents

By Advocate Mr. K. Rajendran

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard both sides. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records relating to the order dated 24.08.1993 passed in the proceedings in HMPT/Rect/3/45/8250, on the file of the 2nd respondent herein, and to quash the same, and consequentially direct the respondent to provide the applicant, with an employment in Heavy Water Plant in the Department of Atomic Energy, in any suitable post, within the time frame as this Honourable Tribunal may deem fit and thus render justice.”

2. Learned counsel for the applicant submits that the applicant's father was initially employed as Helper 'A' in Heavy Water Plant in the Department of Atomic Energy and was made semi-permanent in the post in the year 1977. While working on the post of Helper / Tradesman 'A' (SS), the applicant's father died on 21.04.1980. Thereafter, compassionate appointment was offered to the applicant's mother by an order dt. 01.11.1980. As the mother of the applicant was not educated and she was also sick at that point of time, she could not accept the offer of employment. She made an application on 26.03.1993 to the respondents, followed by another one dated 09.04.1993 for employment of the applicant. However, the applicant's case was rejected by a communication dt. 24.08.1993. It is submitted that the applicant had siblings to take care of and is unmarried. The applicant's case deserved to be considered sympathetically keeping in view the penury of the family.

3. Learned counsel for respondents submits that the applicant had not agitated his grievance for 27 years from the date of death of his father. If he had any grievance arising out of the rejection of his claim in 1993, the matter should have been agitated then. There is no justification whatsoever for the delay of 24 years. Compassionate appointment is not a matter of right and is to be granted on the basis of an assessment of the financial condition of the family. As the family has survived 27 years, there is no justification to consider his case for compassionate appointment, now.

4. I have considered the facts of the case as well as the submission made by the rival counsel. I am unable to see any credible explanation of the reasons for delay in seeking appointment. In the absence of justification, such matters cannot be re-examined after a delay of 24 years.

5. OA is devoid of merits and is accordingly dismissed. MA for condonation of delay stands disposed of.

(R. Ramanujam)
Member(A)
08.02.2018

SKSI