

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

Original Application No. 021/00630/2016

Date of C.A.V. :11.07.2018

Date of Order : 16. 07.2018

Between :

Kosuri Rama Devi, W/o Late K.Rajan Babu,
Aged about 36 years, Occ : House Wife,
House No.2-75, Tharalapally Village,
Hanumakonda Mandal, Warangal District.

... Applicant

And

1. Union of India, Rep. by
Chief Divisional Railway Manager,
South Central Railway,
Personnel Branch, 5th Floor,
Sanchalan Bhavan, Secunderabad.

2. The General Manager,
South Central Railway,
Sanchalan Bhavan,
Secunderabad.

3. The Divisional Railway Manager (Kazipet Division),
Personnel Branch, 4th Floor,
Sanchalan Bhavan, Secunderabad. ... Respondents

Counsel for the Applicant ... Mr. A.Sharat Chandra, Advocate
Counsel for the Respondents ... Mr. T.Hanumantha Reddy, S.C. for Rlys.

CORAM:

***Hon'ble Mr.Justice R.Kantha Rao* ... Member (Judl.)**

ORDER

{ As per Hon'ble Mr.Justice R.Kantha Rao, Member (Judi.) }

The OA is filed seeking a direction to the respondents to consider the case of the applicant for appointment on compassionate grounds in a suitable post.

2. The facts in brief are that late K.Rajan Babu was the husband of the applicant. While working as Technician III in respondents Railways, he died on 11.12.2006. After his death the death benefits were granted to the applicant who is the wife and she was also granted family pension at the rate of Rs.10,000/- p.m. On 24.05.2013 i.e. after a lapse of six years after the death of her husband, the applicant submitted an application to the respondents to provide her employment on compassionate grounds. By then she was aged 41 years and possessing the qualification of 5th class. She has no dependents. Settlement dues were paid to her and she was drawing family pension of Rs.10,000/- p.m. and was residing in her own house. Considering all these facts the respondents vide letter dated 05.08.2014 rejected the request of the applicant for appointment on compassionate grounds. Therefore, she filed the present OA.

3. The respondents filed reply statement contending that there is inordinate delay in making representation for compassionate appointment and also stating that the conditions in which the applicant was placed do not warrant providing any compassionate appointment to the applicant and sought for dismissal of the OA.

4. I have heard Mr.A.Sharat Chandra, learned counsel for the applicant and Mr.T.Hanumantha Reddy, learned standing counsel for the respondents.

5. It is contended by the learned counsel appearing for the applicant that granting settlement dues and paying family pension to the applicant do not dis-entitle her from claiming compassionate appointment. It is further contended that as there are no dependents, the applicant can be provided appointment on compassionate grounds in a suitable post.

6. On the other hand it is contended by the learned standing counsel appearing for the respondents that after taking into consideration the delay in making the application and also the living conditions of the applicant, the respondents rightly rejected her claim of compassionate appointment and therefore the applicant is not entitled for the relief prayed for.

7. It is true that merely because the applicant was granted death benefits and is being paid family pension, she cannot be totally debarred from making a claim for appointment on compassionate grounds. But the object of compassionate appointment is to enable the family of the deceased to get over the sudden financial crisis on account of the death of the deceased who was the sole breadwinner. Even though there is no limitation for claiming compassionate appointment, it cannot be said that a person may make a claim for compassionate appointment even after long lapse of time. The competent authority can consider the circumstances which the family of the deceased would face immediately after his death. In the instant case after the death of her husband the applicant received the death benefits and also the family pension. She kept quite for a period of six years and made an application seeking compassionate appointment. Therefore, it cannot be said that the claim is to meet the sudden financial crisis

which arose on account of her husband's death. More over admittedly she has no dependents. She is living in her own house and getting family pension of Rs.10,000/- p.m. The provision for compassionate appointment is only an exception to the general right of other individuals to seek public employment.

8. In the instant case on account of the delay and latches and also on account of the aforesaid financial condition of the applicant, the respondents are justified in refusing her claim for compassionate appointment. The order passed by the respondents declining her to provide compassionate appointment needs no interference in the present OA.

9. The OA is therefore dismissed without any order as to costs.

*(JUSTICE R.KANTHA RAO)
MEMBER (JUDL.)*

sd