

LIBRARYCENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCHNo. OA 350/1204/2017
MA 350/738/2017

Date of order : 31.1.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

SMT. SABITA RANI LAL

W/o Late Hari Lal

SUDEEP KUMAR LAL

S/o Late Hari Lal,

R/o 21/3 Secondary Road,

Zone-A, Durgapur,

Dist. - Burdwan,

Pin - 713204.

...APPLICANTS

VERSUS

1. Union of India, through
The Secretary,
Ministry of Science & Technology,
Rafi arg,
New Delhi - 110001.
2. The Director,
Central Mechanical Engineering
Research Institute,
Mahatma Gandhi,
Durgapur - 713209.
3. The Administrative Officer,
Central Mechanical Engineering
Research Institute,
Mahatma Gandhi,
Durgapur - 713209.

...RESPONDENTS.

For the applicant : Mr.N.Roy, counsel


For the respondents: Mr.P.Bajpayee, counsel.

O R D E R (ORAL)Per Ms. Manjula Das, Judicial Member

Mr.N.Roy, ld. Counsel appeared for the applicant and Mr.P.Bajpayee, ld.

Counsel appeared for the respondents.

2. Being aggrieved by the order dated 29.3.2017 the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :



- a) To issue direction upon the respondent authorities to consider appointment on compassionate ground in favour of the applicant No.2 forthwith;
- b) To issue further direction upon the respondent to quash/cancel and/or set aside the impugned order dated 29.3.2017 forthwith;
- c) Any other order or orders as the Ld. Tribunal deem fit and proper;
- d) To produce connected departmental record at the time of hearing;
- e) Leave may be granted to file joint application under Rule 4(5)(a) of CAT (Procedure), 1987.

3. Mr. Roy, Id. Counsel for the applicant submitted that the applicant No.1's husband and applicant No.2's father expired on 26.8.1994 and at that time the applicant No.2 was minor. The applicant No.1 made representation on 5.11.1999 for compassionate appointment of her son and the case was considered twice on 12.5.2000 and 19.7.2007 by the Compassionate Appointment Committee but the said committee did not recommend the case. Being aggrieved by such inaction of the respondent authorities the applicants approached this Tribunal in OA 1484/2010 which was disposed of on 1.10.2015 with a direction upon the respondent authorities to take necessary steps to forward the case for consideration by the Secretary of the Department/Ministry. In pursuance of the order passed by the Tribunal in OA 1484/2010 the respondents rejected the claim of the applicant on 29.3.2017 as 22 years have lapsed from the death of the employee and the applicant No.2 is now 34 years age. Hence the applicants have approached this Tribunal in the present OA.

4. Heard Id. Counsels for the parties and perused the pleadings and materials placed on record.

5. Ld. Counsel for the respondents submits that the application is barred by limitation and therefore the same cannot be entertained.

6. The issue before us is compassionate appointment and the employee has expired in 1994. It is clear that the claim is belated. Hon'ble Apex Court in the case of **Umesh Kumar Nagpal vs State Of Haryana [1994 SCC (4) 138]** has held as under :

"...the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the

sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over."

7. Therefore in our opinion the OA is hopelessly barred by limitation and is therefore dismissed. No costs.

(MANJULA DAS)
JUDICIAL MEMBER

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