

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

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No. OA 350/1521/2016  
MA 350/498/2016

Date of order : 13.2.2018

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

**KHUDIRAM HANSDA**

S/o Late Chandra Mohan Hansda  
Mate FGM, Vill - Marunia,  
PO - Keshiapata,  
Dist. - Paschim Medinipur,  
PS - Sankrail,  
Pin - 721135.

...APPLICANT

VERSUS

1. The Union of India, through  
The Secretary,  
Ministry of Defence,  
South Block,  
New Delhi through  
Central Govt. Advocate,  
MOL Kolkata,  
11 Strand Road,  
Kolkata - 700001
2. The Chief Engineer (AF), HQ  
Shillong Zone,  
Military Engineering Services,  
Elephant Falls Camp,  
Shillong,  
Pin No. - 721508.
3. COL-ADDL. CE, Chief Engineer,  
AF HQ Shillong Zone,  
Military Engineering Services,  
Elephant Falls Camp,  
Shillong,  
Pin No. - 721508.
4. Headquarter Chief Engineer  
Eastern Command,  
Engineers Branch,  
Fort William,  
Kolkata - 700121.
5. Garrison Engineer (AF),  
Kalaikunda,  
Kalaikunda Air Field,  
PO - Kalaikunda,  
Dist. - Paschim Medinipore,  
Pin No. - .....

...RESPONDENTS.

*[Handwritten signature]*

For the applicant : Mr.N.Roy, counsel

For the respondents: Mr.R.Halder, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.N.Roy, Id. Counsel appeared for the applicant and Mr.R.Haldar, Id. Counsel appeared for the respondents.

2. The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for his employment on compassionate ground in the Garrison Engineer Air Force (MES), Kalaikunda Department in suitable post as he is a Madhyamik Pass candidate and he belongs to Scheduled Tribes community.

3. The brief fact of the case as narrated by Mr.Roy, Id. Counsel for the applicant is that the father of the applicant died while serving under the respondents as Ex-Mate-PGM-GE(AF), Kalaikunda on 15.9.2003. On 9.8.2004 the applicant made an application for appointment on compassionate ground, but his prayer was rejected on 9.3.2007 due to non-available of sufficient vacancy. Thereafter the applicant went on making representations, last of which was dated 16.9.2016.

4. MA 498/2016 has been filed to condone the delay of about 11 years in filing the present OA. The father of the applicant expired in 2003, the applicant made an application for compassionate appointment on 9.8.2004 and the same was rejected by a speaking order dated 9.3.2007. The applicant has filed the Original Application on 29.9.2016. No sufficient ground has been set out in the condonation petition condoning the delay in filing the present OA. Therefore the MA stands dismissed.

5. The scheme for compassionate appointment is to help the family of the deceased employee to tide over the sudden crisis which occurred due to untimely death of the breadwinner, which in the present case, by now is over as assumed from the fact that no one represented the case on behalf of the applicant. The applicant seems to have slept over the matter for long.



6. In **Umesh Kr. Nagpal -vs- State of Haryana [(1994) 4 SCC 138]** it has been held by the Hon'ble Apex Court as hereunder (with supplied emphasis) :

"The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency."


The Hon'ble Court also held,

"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."

The Hon'ble Apex Court in the case of **Eastern Coalfields Ltd. -vs- Anil Badyakar [2009 (3) SLJ 205]** has held that compassionate appointment is not a vested right which can be exercised at any time in future.

In the case of **State of Manipur -vs- Md. Rajaodin [2004 (1) SLJ 247]** the Hon'ble Apex Court has held that compassionate appointment cannot be claimed or offered after a lapse of time when the crisis is over.

6. In view of the foregoing discussions, I hereby hold that the application is hopelessly barred by limitation and is accordingly dismissed. No order as to costs.

  
(MANJULA DAS)  
JUDICIAL MEMBER

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