

**Central Administrative Tribunal
Jaipur Bench, Jaipur**

O.A. No. 289/2019

Date of decision: 28.05.2019

Hon'ble Mr. Suresh Kumar Monga, Member (J)

Sunil Kumar Pacherwal Son of Shri Gauri Shanker Pacherwal, age about 43 years, resident of 29, Chanwaria Marg, Kile Ke Niche, Purani Basti, Jaipur (Raj.) Late Shri Gauri Shanker Pacherwal was working on the post of Group D in the office of Accountant General (AG office) Mob- 8005801623.

...Applicant.

(By Advocate: Shri H.L.Gothwal)

Versus

1. Union of India through the Comptroller & Auditor General of India, Ministry of Finance, New Delhi- 110001.
2. The Accountant General Rajasthan (A.G. Office) Bhagwan Dass Road, Jaipur (Raj.) 302005.
3. The Accounts Officer (Administration 1st), Accountant General Office, Bhagwan Dass Road, Jaipur (Raj.) 302005.

...Respondents.

ORDER (ORAL)

The applicant's father, who was working as a Safai Karamchari with the respondents, died while in service on 25.01.1994. Immediately thereafter, the applicant's mother had submitted an application with the respondents seeking

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employment for him on compassionate grounds in view of the policy in vogue. Accordingly, the applicant's case was considered by the respondents and he was called for interview on 16.10.1995. It has been averred by the applicant that he had been representing the respondents continuously but no heed was paid. On the contrary, in January 1998, the respondents made appointments of some of the candidates on compassionate grounds. Therefore, he filed an Original Application No.57/1998 before this Tribunal. The said Original Application was disposed of on 07.04.1998 with a direction to respondents to consider his case for appointment on compassionate grounds as a Safai Karamchari. Pursuant to said direction issued by this Tribunal, the applicant's case was considered by the respondents and the same was rejected vide order dated 25.09.1998. Aggrieved by the said order, the applicant preferred Original Application No.22/1999, which was disposed of on 01.05.2000 with a direction to respondents to reconsider the applicant's case for appointment on compassionate grounds. It has further been averred that thereafter, for a long time, the applicant heard nothing from the respondents. However, he received a letter dated 07.04.2005 requiring him to appear for an interview on 19.04.2005 and thereafter no decision was communicated to him. The applicant moved a representation dated 03.08.2018 (Annexure A/6), which was followed by a legal notice dated 25.02.2019 (Annexure A/8). The said legal notice was replied by

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the respondents vide their letter dated 25.03.2019 (Annexure A/9). Learned counsel for the applicant submitted that the respondents have declined the compassionate appointment to applicant illegally and arbitrarily.

2. A perusal of the reply to legal notice reveals that the applicant's case was considered by the Departmental Screening Committee on 30.05.2005 and the same was rejected. An intimation in this regard was also given to the applicant on 12.07.2005. While filing the present Original Application, the applicant has not laid down any challenge to order dated 12.07.2005. Neither a copy of the said order has been made available on record. It is not understandable as to why the applicant remained silent for more than 13 years. As per the applicant's own assertions made in the Original Application, he gave a representation on 03.08.2018 after the said rejection.

3. I do not find any reason to entertain such a belated claim of the applicant for appointment on compassionate grounds. Admittedly, the applicant's case for employment on compassionate grounds was reconsidered by the respondents pursuant to a direction issued by this Tribunal in OA No.22/1999 and the same was rejected on 12.07.2005. The said rejection was not challenged by the applicant at any point of time. After a period of more than 13 years, a subsequent representation dated 03.08.2018 was wholly uncalled for. The applicant has even

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concealed the material fact with regard to letter dated 12.07.2005 vide which the respondents declined the offer of appointment to him on compassionate grounds.

4. In the case of **Dinesh Singh Rathore vs. Union of India & Others** DB Civil Writ Petition No.14628/2014 decided on 19.01.2017, the Hon'ble High Court of Rajasthan has held that the compassionate appointment cannot be claimed as a matter of right. It is an exception to general rule for appointment in a public office. It has also been held repeatedly by the Hon'ble Supreme Court in various judicial pronouncements that the compassionate appointment is not a source of recruitment and it is made to provide succour to the family of an employee who dies in harness.

5. In view of the above, I do not see any reason for issuance a direction to respondents to make offer of appointment to applicant on compassionate grounds. Accordingly, the Original Application is dismissed. However, there shall be no order as to costs.

(Suresh Kumar Monga)
Member (J)

/kdr/