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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

Original Application No. 866 of 2013.

An application under section 19 of the Administrative Tribunal Act, 1985.

1. Smt. Putul Shaw,

Wife of Late Sambhu Nath Shaw, aged about 52y.

residing at 9, Maharaja Nanda Kumar Road

(South), Post Office & Police Station-Baranacore,

Kolkata-700036.

2. Amit Shaw, son of Late Sambhu Nath Shaw,

aged about 30 ^{yrs}, residing at 9, Maharaja Nanda

Kumar Road (South), P.O. & P.S. Baranacore,

Kolkata -700036.

....Applicants.

- Versus -

1. Union of India, service through the

Secretary, Ministry of Defence, Government

of India, New Delhi. 1

2. Gun & Shell Factory, having its Office at

Cossipore, Kolkata-700002.

3. The General Manager, Gun & Shell Factory

having its office at Cossipore,

Kolkata -700002.

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4. The Joint General Manager and
Public Information Officer, Ministry of
Defence, Gun & Shell Factory,
Cossipore, Kolkata - 700 002.

5. The Deputy Labour Welfare
Commissioner, Ministry of Defence,
Gun and Shell Factory, Cossipore,
Kolkata - 700 002.

... Respondents.

W/O

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/866/2013

Date of Order: 22/11/18

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Putul Shaw & Another -vs- M/o Defence

For the Applicant(s): Mr. B. R Das, Counsel

Mr. K. K Ghosh, Counsel

For the Respondent(s): Mr. S. Paul, Counsel

ORDER

A.K Patnaik, Member (J):

The Applicant has filed this OA seeking the following reliefs:

- "a) A declaration the applicant being the widow of the deceased employee is entitled to get an appointment on compassionate ground in favour of her only son Amit Shaw
- b) For an order directing the Respondents to appointment Amit Shaw the son of the deceased employee on compassionate ground.
- c) Costs or incidental to and arising out of this application.
- d) Any other order or orders as your Lordships may deem fit and proper by way of molding reliefs
- e) Leave may be granted to this original application jointly under Rule 4(5)(a) of CAT Procedure Rules 1987."

2. The case of the applicant is that his father while working under the Respondents died on 13.7.2011 leaving behind his widow (Applicant No.1) & son (Applicant No.2). By making application dated 2.8.2011, appointment on compassionate ground was sought in favour of applicant No.2. The said request was rejected vide letter dated 20.2.2013. On 19.4.2013 application was submitted by an advocate on behalf of applicants seeking information under RTI Act, 2005

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and in response thereto the advocate was supplied some document vide letter dated 10.5.2013.

3. Having heard the respective parties perused the pleadings. Respondents have filed reply objecting to the prayer of the Applicant.

4. According to the applicants, their request for providing appointment on compassionate ground was rejected vide letter dated 20th February, 2013. They have not preferred any appeal against such rejection nor have they sought in this OA to quash the same. In the meantime near about seven years have been elapsed but the family could survive even without any support of appointment. Applicant No.2 by now is aged about 35 years. The decision of the Hon'ble Apex Court in the case of Umesh Kumar Nagpal vs. State of Haryana And Ors., (1994) 4 SCC 138 is very much clear to the extent that consideration for appointment on compassionate ground is contrary to Articles 14 and 16 of the Constitution of India and is only in the nature of concession and, therefore, it does not create a vested right in favour of the claimant. Compassionate appointment is justified when it is granted to provide immediate succour to the dependent family members of the deceased-employee and cannot be granted on the passage of time as a matter of right.

5. In view of the facts and law, I find no merit in this OA which is accordingly dismissed. No costs.

(A.K.Patnaik)
Member (Judicial)