

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA**



No.O.A.350/162/2018
M.A.350/115/2018

Date of order : 12.06.2019

Coram : Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Dr.(Ms.) N. Chatterjee, Administrative Member

1. Smt. Ruma Ghatak,
Wife of Late Ashoke Kumar Ghatak,
Ex. LDC/TR Section Personnel No. 00437,
Metal Steel Factory, Ichapore,
And.residing at 3/8/27, Tarini Charan Ghose Lane,
Kolkata ~ 700 002.
2. Smt. Arpita Ghatak,
Daughter of Late Ashoke Kumar Ghatak,
Unemployed Youth,
Residing at 3/8/27, Tarini Charan Ghose Lane,
Kolkata ~ 700002.

..... Applicants.

Versus

1. The Union of India,
through the Secretary,
Ministry of Defence,
North Block,
New Delhi – 110 001.
2. The General Manager,
Metal Steel Factory,
Ichapore.
3. The Joint General Manager (Admn.),
Metal Steel Factory,
Ichapore.

..... Respondents.

For the applicant : Mr. N. Roy, counsel

For the respondents : Ms. D. Nag, counsel

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy, Chairman

Even in the wildest of dreams, one may not have contemplated that the phenomenon of compassionate appointment for the dependents of Government employees in service evolved by the Hon'ble Supreme Court would take such turns as are evident in this case.

2. The father of the second applicant was working in the Ministry of Defence. He died way back in 20.11.1999. The scheme of providing appointment to the employees who died while in service is in force in the Ministry of Defence. The case of the applicant was considered and she was found not eligible for compassionate appointment by stating several reasons . A communication in this behalf was issued on 16.10.2004.

3. The applicant filed the present O.A. claiming for compassionate appointment in the year 2018. An application is filed for condonation of delay of 12 years.

4. The applicant contends that she suffered various ailments and has been undergoing treatment in hospitals and clinics for the past 12 years. She enclosed a bunch of prescriptions in support of her claim.

5. The respondents filed reply opposing the application. It is stated that by any standard the delay of 12 years is enormous and question of



condonation of such delay does not arise. Various pleas raised in support of the plea for condonation of delay, are specifically denied.

6. We heard Mr. N. Roy, learned counsel for the applicant and Ms. D. Nag, learned counsel for the respondents.

7. The contention of the applicant is that ^{she}he was suffering from various medical problems and for that reason there was delay in filing the O.A. The applicant was already considered for compassionate appointment and in the communication dated 16.10.2004 it was mentioned that she was awarded 55 merit points on a 100 point scale, and she could not be selected for appointment. Even after suffering medical problems for 12 years at such acute level, the applicant feels that she is fit to be considered for appointment in the Defence establishment, on priority basis. Unfortunately, the employment in public service is reduced to such a pitiable level. A person who was incapacitated even to file an O.A. in time and who could not earn any livelihood for decades together strongly, feels that a post in Defence establishment is meant for her.

8. The observations made by the Punjab and Haryana High Court in the context of implementation of the scheme of LARGEES in the Railways, as affirmed by the Hon'ble Supreme Court, become relevant here. It was observed that the schemes of this nature are violative of Articles 14 and 16 of the Constitution of India and they result in

compromising with the safety and security of the operations in the railways, and thereby affect the very public service.

9. The attention and efficiency, which is required in Defence establishments hardly needs any emphasis. Sufficient security measures are required to be taken and efficiency in the department cannot be compromised. The interest of an individual cannot be kept above that of the department.

10. Except by taking a spacious plea that he fell ill, the applicant did not explain the long delay of one 'puskar'. Even for the best of the reasons, such delay cannot be condoned. We do not find any merit in the application for condonation of delay and it is accordingly dismissed. In the result the O.A. is also dismissed. There shall be no order as to costs.

(Dr. N. Chatterjee)
Administrative Member
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(Justice L. Narasimha Reddy)
Chairman