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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1359/2003

New Delhi this the 27th day of May, 2003.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Sachin Kumar S/O H.C. Murari Lal,
C/O Shri Ravinder Sharma,
5829/2 Jawahar Nagar,
Delhi-110007.

-Applicant

(By Shri K.K.Sharma, Advocate)

-Versus-

1. Government of NCT of Delhi through
Commissioner of Police,
Delhi Police, I.P.Estate, I.T.O.,
New Delhi-110002.

2. Jt. Commissioner of Police,
Police Headquarters,
I.P.Estate, I.T.O.,
New Delhi-110002.

-Respondents

O R D E R (ORAL)

Applicant, son of the deceased Constable has challenged the respondents' order dated 2.8.2001 as well as 5.3.2003, rejecting his request for compassionate appointment.

2. Applicant's father, a Constable, who died in harness on 15.6.99 on attaining majority in 1998, the widow preferred an application for appointment on compassionate grounds. After meticulously considering the case the screening committee rejected the request on the ground that the request was not found within the ambit of the guidelines, by order dated 2.6.99.

3. However, on re-consideration the request was again gone into by the screening committee and rejected by an order dated 2.8.2001.

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4. Another request made was considered on 21.1.2003 and keeping in view the relevant factors and the decision of the Apex Court the same was turned down, giving rise to the present OA.

5. Learned counsel for applicant has also filed MA-1795/2003 for condonation of delay contending that repeated representations do not lead to reasoned orders and keeping in view the financial hardship the delay has taken place.

6. In so far as delay is concerned, it is contended that an order passed on 5.3.2002 gives a new lease of limitation to applicant. Sh. K.K. Sharma, learned counsel appearing for applicant contended that rejection of the request of applicant for compassionate appointment is mechanical and without any reasons and grounds. The object of compassionate appointment has been frustrated keeping in view the meagre family pension and size of family consisting of five members, family is indigent and deserves compassionate appointment.

7. I have carefully considered the contentions of applicant. Compassionate appointment cannot be claimed as a matter of right. The only right is of consideration. Case of applicant was considered in 1998 as well as in 2001 and was rejected. Applicant has not taken any steps to assail those orders and rather on re-consideration on being aggrieved with the order passed on 5.3.2002 approached this court. The very object of compassionate appointment is to redress the dependant family from financial crises. Delay in according compassionate appointment frustrate the same. In S. Mohan v. State of T.N., 1998 (9) SCC 485 the Apex

Court held that on lapse of considerable time from the death of the government servant compassionate appointment cannot be allowed, as the family had managed to survive during this period. The High Court of Delhi in Veer Mohd. v. M.C.D., 1995 (2002) DLT 663 (DB) held that there is no fundamental or statutory right to claim appointment on compassionate grounds and the cause of action arises at the time when employee dies in harness. Application of becoming major after 8 years from the death compassionate appointment cannot be allowed. Moreover, in Umesh Kumar Nagpal v. State of Haryana, (1994) 4 SCC 138 compassionate appointment has been restricted only to real hard cases and any deviation has been found to be illegal. Moreover, a Bench of this Court in OA-2706/2001, Himmat Singh v. Union of India decided on 7.5.2003 after meticulously going into all the relevant guidelines of the Government on the subject as well as various rulings of the Apex Court sum up the guidelines. The case of applicant does not come within the ambit of it. As applicant's father died in 1989, at this belated stage once the consideration has been meticulously done by respondents in the light of the DOPT guidelines dated 9.10.1989 and having found the case of applicant not really deserving the same does not require any interference.

8. In the result, for the foregoing reasons, OA is found bereft of merit and is accordingly dismissed, at the admission stage itself. No costs.

S. Raju

(Shanker Raju)
Member (J)

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