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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A.NO.2185/2003

Tuesday, this the 25th day of November, 2003

Hon'ble Shri S. K. Naik, Member (A)

Harish Kumar s/o Sh. Rohtas Singh
r/o Pipliwala Mauhalla, Badli ..Applicant
(None appeared even on the second call)

Versus

1. Union of India through its Secretary
Dept. of Posts
Ministry of Information Technology
Dak Bhavan, Parliament Street
New Delhi
2. Sr. Supdt. of Post Office
Department of Post
Delhi North DN, Delhi-54
3. Chief Post Master Delhi Circle
Mohan Singh Palace, New Delhi ..Respondents

(By Advocate: Shri R.P. Aggarwal)

O R D E R (ORAL)

When the case was called for the first time, no one appeared on behalf of the applicant. After a pass over, when the case was called for the second time, no one again has appeared on behalf of the applicant. Shri R.P. Aggarwal, counsel for respondents is present and has been heard. Therefore, I proceed to dispose of the OA on its merit under Rule 15 of C.A.T. (Procedure) Rules, 1987.

2. Brief facts of the case are that the father of the applicant (Shri Rohtas Singh) while working as Packer under the respondents died on 4.5.1996. Widow of the deceased employee thereafter made a representation for the appointment of her son (who was then studying in class 9) only after he became a major during the

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subsequent years on compassionate grounds. On her son passing the 12th standard examination, she again approached the respondents for his appointment on compassionate ground which, however, was rejected by the respondents vide the impugned order at Annexure A-1 stating therein that the Committee having considered the case carefully and sympathetically in relation to other similar cases has not found her to be in indigent condition and as such the case did not come under the purview of most deserving cases under the Scheme.

3. Aggrieved thereupon, the son of the deceased has filed this OA as the applicant.

4. I have carefully gone through the averments made by the applicant in this OA and perused the annexures enclosed thereto in support of his claim. I have also heard the counsel for respondents in the matter.

5. I find that the widow of the deceased employee in her application submitted before the respondents on 3.12.1997 (Annexure A-4) has stated that her minor son Shri Harish Kumar, who is studying in class 9, be considered for compassionate appointment in place of her daughter as and when he qualifies the 12th standard. Obviously, the deceased had a daughter who was eligible for compassionate appointment at that point of time. However, when her son Shri Harish Kumar passed the 12th standard, the widow of the deceased again represented for his appointment on compassionate ground. This was followed by a number of reminders. Even though the

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Exhibit

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respondents have stated in their reply that the objective of grant of compassionate appointment is meant to enable the family to tide over the sudden crises and to relieve the family of the deceased from financial destitution and to help them to get over the emergency, they have been indulgent enough to the request of the applicant even after a lapse of more than five years. They considered his candidature as per the prescribed procedure for compassionate appointment. The Committee based on the information of the size of the family, the number of dependents, assets and liabilities, etc. has considered the case as one amongst the 131 cases listed before the Committee. They have also clearly stated in their reply that there being only two posts against 5% limit reserved for compassionate appointment for group 'D', the case of the applicant could not be rated amongst the most deserving under the Scheme. It was in this background that the respondents informed the applicant expressing their inability to offer him the appointment on compassionate basis.

6. I have also gone through the rejoinder filed by the applicant in which he has simply denied some of the replies given by the respondents but with no details or reasons based on which such denial could be proved. It is by now very well established by virtue of a number of judgments of the Hon'ble Supreme Court that the whole object of granting compassionate appointment is to enable the family to tide over the sudden crises resulting out of the death of an employee while in service so that the family, if in financial destitution, could be provided some immediate and emergency relief. In this respect,

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the Supreme Court's judgment dated 4.5.1994 in the case of Umesh Kumar Nagpal v. State of Haryana & others JT 1994 (3) SC 525 is relevant. In this background, nobody can have the right to seek the appointment on compassionate ground on a future date of his choosing. In fact, the Supreme Court has in the said judgment held that the appointment cannot be granted after a lapse of reasonable period. It is not a vested right to be exercised at any time in future. This ruling of the Hon'ble Apex Court apart, the respondents in the present case have been more than kind to the applicant and have considered his case. However, it was one amongst the 131 similar cases and they had to decide on the relative merit of each case as per the instructions and procedure laid down in this regard. In the case of Life Insurance Corporation of India v. Mrs. Asha Ramachandra Ambekar & others JT 1994 (2) SC 183, the Hon'ble Apex Court has held that the High Courts and the Administrative Tribunals cannot give direction for appointment of a person on compassionate grounds but can merely direct consideration of the claim for such appointment. Now that the case of the applicant has already been given due consideration by the respondents, I do not find any justification to interfere therewith. As a result thereof, the OA must fail and is accordingly dismissed without any order as to costs.

S. K. NAIK
(S. K. NAIK)
Member (A)

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