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**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA**

OA.No.350/01127/2016

Date of order: 26.09.2019

Coram : Hon'ble Mrs Manjula Das, Judicial Member

Hon'ble Mr Nekkhomang Neihsial, Administrative Member

Hara Bouri

Son of Late Arjoon Bouri, aged about 44 years, by occupation unemployed, residing at School Para, Gangutia, Kulti



Borough PIN: 713 333.

..... **Applicant**

Versus -

1. **UNION OF INDIA**, service

through the General Manager, Eastern Railway, 17, N.S.Road, Fairlie Place, Kolkata-700 001.

2. The Divisional Railway Manager, Eastern Railway, Asansol, PIN: 713 301.

3. The Senior Divisional Personnel Officer, Assansol Division, Eastern Railway, Asansol, PIN: 713 301.

..... Respondents


For the Applicants : Mr B Chatterjee Counsel

For the Respondents : Mr S K Das Counsel

ORDER (ORAL)

Manjula Das, Judicial Member:-

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking following reliefs:

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- a) To quash and set aside the impugned speaking order dated 06.01.2006 issued by the Senior DPO, Asansol;
 - b) An order do issue directing the respondents to give appointment on compassionate ground to the applicant under died in harness category;
 - c) Any other order or orders be passed as Your Lordship may deem fit and proper."

2. We have heard both sides, perused the pleadings and documents placed on record.

3. This is a third round litigation seeking compassionate appointment. Admittedly, railway servant had died on 17.03.1995. More than 24 years have passed since then. Scheme for

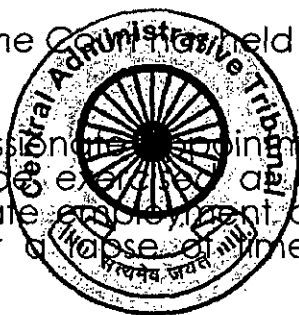


compassionate appointment is introduced for giving immediate relief to the destitute family. In the case of the **Umesh Kumar Nagpal vs State of Haryana, 1994 SCC (4) 138**, the Hon'ble Supreme Court has held as under:-

"..the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over."

Similar view has also been taken in the case of **Eastern Coalfields Ltd. v. Anil Badyakar & Ors., 2009 (4) SLR 568 / 2009(13)SCC 112**, and the Hon'ble Supreme Court has held as under:-

"The compassionate appointment is not a vested right which can be exercised at any time in future. The compassionate employment cannot be claimed and offered after a lapse of time and after the crisis is over."



4. In view of the ratio laid down by the Apex Court, as extracted above, we do not find any merit in the OA. Accordingly, same is dismissed.

(NEKKHOMANG NEHSIAL)
ADMINISTRATIVE MEMBER

/bb/

(MANJULA DAS)
JUDICIAL MEMBER