

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
CIRCUIT SITTING AT RANCHI
OA/051/00176/2017**

Reserved on : 19.12.2019
Pronounced on: 20.12.2019

C O R A M
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER



Boby Devi, w/o Late Bhagtu Kora, aged 34 years resident of Tarmi Tola, Phulwari, P.O.- Bhandardih & P.S.- Chandrapura, District- Bokaro.

.... Applicant.

By Advocate: - Mr. M.A. Khan

-Versus-

1. General Manager (P&A), Steel Authority of India Ltd., SAIL Refractory Unit, Bhandaridah, Bokaro- 829132.
2. The Dy. General Manager (I/C), Steel Authority of India Ltd., SAIL Refractory Unit, Bhandaridah, Bokaro- 829132.

.... Respondents.

By Advocate(s):- Mr. V.K. Dubey assisted by Mr. Abhishek Singh

O R D E R

Dinesh Sharma, A.M:- In the instant OA, the applicant has prayed for directing the respondents to provide the benefit of compassionate appointment to the applicant in lieu of death of her husband, who died in harness on 13.02.2005. She has also sought direction to the respondents to furnish the details of payment which are made/likely to be made to the applicant as post death settlement. The applicant has alleged that she is a legally married wife of the deceased employee, namely, Bhagtu, Kora who died in harness on 13.02.2005, but no action has been initiated for full and final settlement of post-death benefits and

no action has been taken for consideration for compassionate appointment. The respondents compelled her to bring succession certificate which she has obtained and approached the respondents. However, though PF amount has been released, no gratuity amount has yet been released and no decision has been taken for compassionate appointment and hence, the OA.



2. The respondents have filed a written statement in which they have stated that the OA is not maintainable. Late Bhagtu Kora never submitted any nomination during his lifetime and hence, the delay in settling the applicant's claim. The respondents have already paid the PF and gratuity (PF of Rs. 26053 and gratuity of Rs. 31,908/- total Rs. 57,961/-). Regarding the compassionate employment the respondents have stated that it is not admissible to the petitioner as per the policy for compassionate appointment after a lapse of a period of more than 12 years since the death of the employee.

3. I have gone through the pleadings and heard the arguments of learned counsels of both the parties. During the course of the argument, while the learned counsel for the applicant stated that he has still had no information from his client about the payment of gratuity, the learned counsel for the respondents categorically stated having paid the gratuity amount due to the applicant. The learned counsel for the respondents also stated that the request for compassionate appointment was made by the applicant for the first time in the year

2014 which is after a lapse of 9 years from the death of the employee in the year 2005. The learned counsel for the applicant argued that this delay in making application was due to the respondents' insistence on succession certificate which took a long time to obtain. After hearing the arguments, it is clear that the claim of the applicant regarding payment of gratuity has already been accepted by the respondents and they also claim to have already released this payment. There is also sufficient weight of reasonableness in the argument of the learned counsel for the respondents that an application for compassionate appointment, which is given 9 years after the death, does not deserve sympathetic consideration. Though the learned counsel for the applicant has argued that this delay was due to delay in obtaining succession certificate, I do not think this is a sufficient explanation for not applying for compassionate appointment immediately after the employee's death in harness. The OA is, therefore, disposed of with the direction to the respondents to release the payment of gratuity/other post death dues, if any, if not already paid. Though this should not be taken as a decision on the merits of the claim of the applicant for compassionate appointment, the respondents may also consider the request of the applicant for compassionate appointment, if permissible under the rules. No order as to costs.

[Dinesh Sharma]
Administrative Member

Srk.

