
(2018) 08 CAT CK 0183
In the Central Administrative Tribunal
Case No : Original Application No. 1098 Of 2017

Baldeep Kumar

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 26-08-2018

Acts Referred:

Citation : (2018) 08 CAT CK 0183

Hon'ble Judges : Pradeep Kumar, Member (A)

Bench : Single Bench

Advocate : T.D. Yadav, Satpal Singh

Final Decision : Dismissed

Judgement

1. Learned counsel for applicant as well as the counsel for the respondents were present.
2. Learned counsel for the applicant mentioned that this is a case of grant of appointment on compassionate ground, which was not agreed by the respondents, hence the present OA.
3. Learned counsel for the applicant brought out that the father of the applicant, while serving in the Railways expired on 30.09.2009 and the applicant happens to be the second son of the deceased employee.
4. As per the OA, it is seen that the application for appointment on compassionate ground was made on 29.10.2015. It is also seen that Annexure A-10 submitted by the applicant for appointment in the Railways on compassionate ground was made by the applicant, which is of Jan.2016. Learned counsel for the respondents stated that the present case pertains to appointment on compassionate ground wherein the application was made after a lapse of more than five years. He also brought out that compassionate appointment scheme is to take care of immediate hardship being faced by the family and their dependent and it is not a scheme to tackle unemployment of the family members.

5. In the instant case the applicant does not fulfil the object of compassionate ground appointment after a long gap of more than five years and as the retiral dues to the tune of Rs. 31,73,000/- lacs have already been paid to the family of the deceased employee and in regard to four dependents of the deceased, they are already granted family pension in the instant case. Moreover, the competent authority has already decided the case of the applicant for compassionate appointment and rejected the same vide letter dated 28.12.2016.

6. In view of the foregoing reasons, the learned counsel for the applicant also brought out one judgment dated 08.09.2010 of Hon'ble Supreme Court passed in Civil Appeal No. 7472 of 2010 with No. 7474 of 2010 in the case of Kranti Associates Private Limited versus Masood Ahmed Khan and Other, wherein it was directed to pass a speaking order. The counsel pleaded that for rejection, the respondents have not passed a speaking order.

7. The compassionate ground appointment is not a matter of right but a benevolent act., which consideration has been extended and case rejected. This is considered sufficient. In view of the above, the OA is dismissed being devoid of merits. No costs.