

(2018) 09 CAT CK 0163
In the Central Administrative Tribunal
Case No : Original Application No. 10 Of 2016

Devendra

APPELLANT

Vs

Secretary

RESPONDENT

Date of Decision : 07-09-2018

Acts Referred:

Citation : (2018) 09 CAT CK 0163

Hon'ble Judges : Praveen Mahajan, Member (A)

Bench : Single Bench

Advocate : T.D. Yadav, Yogesh Pachaur

Final Decision : Dismissed

Judgement

1. Briefly stated, the facts of the current O.A. are that the father of the applicant (late Sh. Rawat Singh) died in harness on 19.12.1999 leaving behind his widow, three daughters and one son (the applicant herein). The applicant states that he belongs to S.C. On the death of his father, he was below 18 years. He submitted number of representations to the respondents to consider his case for appointment as Beldar on compassionate ground but all in vain.

Through RTI application, he was provided internal noting, which shows that he was very much in the list dated 20.12.2007 of selected candidates wherein he was placed at Serial No. 3. It is stated that persons junior to him have already been appointed and working on regular basis for the last several years. The applicant also sent a legal notice to the respondents on 20.07.2015. Aggrieved by the respondents for not considering his case on compassionate grounds, the applicant has filed the current O.A. seeking the following reliefs:-

"(i) Direct the Respondent to appoint the Applicant on the post of Beldar as approved by the Competent Authority on Compassionate Grounds from January, 2008 with all the benefits/consequential benefits/relief etc. in the interest of justice.

(ii) To grant all the consequential benefits from January, 2008 to till date and appoint the applicant on the post of Beldar at the earliest in the interest of justice.

(iii) To grant the compensation equivalent to the salary of the period from January, 2008 to till the date of appointment on the post of Beldar in the interest of justice.

(iv) To direct the Respondent for conducting the proper inquiry in the instant matter for unjustified, inordinate and improper delay in providing the job to the Applicant and due to which the Applicant has suffered badly & unreasonably."

2. In reply, the respondents have submitted that after the death of his father, the case of the applicant for compassionate appointment was considered in the year 2007. He was issued an offer letter for appointment as Beldar on 25.07.2008 at the address available in the record. The applicant, however, did not respond to the said offer and consequently his case was closed. Therefore, this case filed after the lapse of eight years is hopelessly barred by limitation and shows that he has sufficient means of survival and is to be rejected.

3. I have gone through the facts of the case and I find that the applicant was duly considered and selected for compassionate appointment by the respondents in their meeting held in the year 2007. The applicant claims that he did not receive the letter of appointment and hence could not comply with the selection offer. The current O.A. has been filed seeking appointment to the post of Beldar, if possible, we.f. January, 2008.

4. It is not disputed that the applicant was actually considered by the respondents and offered a letter of appointment. At Annexure A-2 Colly., which is a PUC, it is stated that:-

"In this context, it is submitted that the case for compassionate appointment of Sh. Devender S/o late Sh. Rawat Singh was submitted in the meeting of the Sub-Committee held for considering the cases of Compassionate appointment on 20.12.2007 and his case was accepted for compassionate appointment in NDMC, as Bedlar.

It is also pertinent to mention here that, a letter of appointment in NDMC on compassionate grounds was sent to Sh. Devender Singh but he didn't respond to the same as per available records. PUC placed below is the only communication received from Sh. Devender Singh till date in this department.

In view of the position explained above, if considered and approved, the case may be submitted to the Competent Authority for information and to kindly accord approval to issue appointment letter to Sh. Devender S/o late Sh. Rawat Singh on compassionate grounds.

Sd/-

(Ravi Kumar Choudary)

25.04.2014"

5. The case was reconsidered after receiving a request from the applicant and it was felt that the applicant has lost the appointment due to his own lapse, cannot be allowed now to agitate the matter, after such a long gap.

6. The father of the applicant died on 19.12.1999 almost 19 years ago. On his request, the respondents considered him for compassionate appointment in 2007 and sent him the offer of appointment in 2008. Even assuming that there was some confusion regarding his residential address, it is not understood why the applicant chose to remain silent till 2012 to check the status of his case. I place reliance on the decision of Hon'ble Supreme Court in the case of Ratan Chandra Sammanta and Ors. Vs. UOI, 1993 AIR 2276 has held that:-

"Delay itself deprives a person of big remedy available in law. In the absence of any fresh cause of action of any legislation, a person who has lost his remedy by lapse of time loses his right as well."

7. Even the need of immediate financial assistance to the family, after a lapse of 17 years of the death of his father, cannot be pressed at this belated stage.

8. I, therefore, find no reason for the Tribunal to interfere in the decision taken by the respondents. The O.A. is accordingly dismissed. No costs.