
(2022) 09 CAT CK 0008

In the Central Administrative Tribunal

Case No : Original Application No. 260, 00479 Of 2018

Muralidhdar Swain & Others

APPELLANT

Vs

Union Of India & Others

RESPONDENT

Date of Decision : 06-09-2022

Acts Referred:

Citation : (2022) 09 CAT CK 0008

Hon'ble Judges : Swarup Kumar Mishra, Member (J)

Bench : Single Bench

Advocate : N.R. Routray, S. Behera

Final Decision : Dismissed

Judgement

Swarup Kumar Mishra, Member (J)

1. The records reveal and portray that applicant No. 1 was a regular employee of the BSNL, who retired on medical invalidation on 01.07.1991. Request was made for providing compassionate appointment in favour of his son, i.e. applicant No. 2. Alleging no tangible result, OA No. 1251/2003 was filed before this Tribunal, which was disposed of on 09.06.2004. The respondents/BSNL considered the said grievance and did not find any justifiable ground to provide appointment which was duly communicated vide letter dated 18.06.2005. The applicants challenged the said order of rejection before Hon'ble High Court of Orissa in W.P. (C)No. 13681/2005, which was disposed of on 28.01.2016 with liberty to the applicants to approach before the appropriate forum and after a lapse of near about two years, on 14.08.2018, they have filed this O.A. seeking to quash the order of rejection dated 18.06.2005 (Annexure-A/15) and to direct the respondents to provide compassionate appointment to applicant No.2.

2. Respondents filed counter objecting to the prayer of the applicant and this Tribunal do not feel to record all the grounds taken by the respondents in support of their prayer that this O.A. being devoid of any merit is liable to be dismissed because it is seen that the applicant No.2 in whose favour appointment on

compassionate ground is sought was aged about 52 years when the O.A. was filed in the year 2018 and, by now, he must have crossed the age of 56 years. Similar matter came up for consideration before this Tribunal, which was dismissed taking into consideration the age of the person in whose favour appointment on compassionate grounds was sought. Therefore, after hearing Ld. Counsel for both the sides, this Tribunal is of the considered view that this O.A. being devoid of any merit is liable to be dismissed on the ground that compassionate employment cannot be granted after a lapse of a reasonable period and that consideration for such employment is not a vested right which can be exercised at any time in future; the object being to enable the family to get over the financial crisis which it faces at the time of the death or medical incapacitation of the employee concerned that too at the age of 56 years of the son in whose favour such appointment is sought.

3. Hence, this O.A. is dismissed leaving the parties to bear their own costs.