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**(2022) 05 CAT CK 0049**

**Central Administrative Tribunal - Allahabad Bench, Allahabad**

**Case No:** Original Application No. 330, 00472 Of 2022

Samrendra Kumar

APPELLANT

Vs

Union Of India & Others

RESPONDENT

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**Date of Decision:** May 27, 2022

**Hon'ble Judges:** Pratima K Gupta, Member, J

**Bench:** Single Bench

**Advocate:** Virendra Kumar Yadav, Chakrapani Vatsyayan

**Final Decision:** Dismissed

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**Judgement**

Pratima K Gupta, Member (J)

1. IÂ haveÂ joinedÂ theÂ SingleÂ BenchÂ onlineÂ throughÂ video conferring.
2. Shri Virendra Kumar Yadav, learned counsel for the applicant and ShriChakrapani Vatsyayan, learned counsel for the respondents are present.
3. By way of present original application, the applicant seeks the following reliefs:-
  - â€œ(i) Issue order or direction quashing the impugned order dated 10.07.2007 passed by respondent NO.2 contained in Annexure No.1 of this compilation.
  - (ii) Issue an order or direction to the respondent authorities to consider the claim of the applicant a fresh of applying/considering the current quality/main points.
  - (iii) Issue any other and further orders or direction which this Honâ€™ble Court may deem fit and proper, under the circumstances existing in the present case.
  - (iv) Award the cost of the OA to the applicantâ€™.

2. The brief facts leading to the original application are that the father of the applicant died on 29.3.1998 and the applicant was born in the year 1980. At the time of death of father

of the applicant, the applicant was

18 years and since then the mother of the applicant has been espousing for seeking compassionate appointment the applicant i.e. the son of deceased employee. The applicant case had been considered by the

respondents on 07.05.2002, 30.01.2003 and 31.10.2003 and on considering the claim, the applicant has been issued an impugned order on 10.7.2007 which reads as follows:-

â€œTele 23373824

Fax 23019683 Registered

Dte Gen of Infantry/Inf-6 (Pers)

General Staff Branch

Integrated HQ of MOD(Army)

C/O 56 APO 900256

B/05183/COAS-Petrn/02819/39GR/Inf-6 (Pers)

10 Jul 07

Smt. Madhuri Devi widow of

Late ShriMadanLal, Civ LDC

House No. CK-64/108

HirapuraKabirChaura,

Varanasi (U.P)

EMPLOYMENT ASSISTANCE ON COMPASSIONATE GROUNDS.

Madam

1. Referenced your petition dated 25.06.07 addressed to Records The 39 Gorakha Rifles and a copy to the Chief of Army Staff, regarding compassionate appointment to your son.
2. It is intimated that your son's case was considered on three consecutive occasions by the boards No.3, 4 and 5 held on 07 May 2002, 30 Jan 2003 and 31 Oct 2003 respectively, but could not

find place in merit based on distress criteria as per guidelines issued by Govt. of India on the subject matter. The number of vacancies of compassionate appointment was very limited in each board

and is to say two or three and there were large number of candidates. The position after each board has been explained to you through Records. As per rules all cases which are rejected after three

considerations are finally treated as closed and cannot be reconsidered.

Yours

faithfully

Sd/

(S.

Alagesan)

Joint

Director

GS/Inf-6

(Pers)

For

DCOAS

(P&S)

Copy to:

COAS Secretariat

South Block New Delhi

Wrt your Dy. NO. 50914/Petr/COAS Sectt./02819/DG

INF dated 29.06.07

Records The 39 Gorakha Rifles for information.â€■

3. Learned counsel for the respondents vehemently opposes the original application and raises a preliminary objection of delay. He submits that the original application is highly

belated as there is a delay of 15 days in

filing the same and there is no condonation of delay application filed along with it. He further submits that since the case of the applicant has been considered three times already in merit based distress criteria as per

guidelines of the Government of India on the subject matter, the original application is devoid of merit and same is liable to be dismissed.

4. Heard learned counsel for the parties and gone through the documents on record. The scheme for compassionate appointment is to meet the distress circumstances of the family of the deceased employee at the

time of the death of the said employee. It is seen that the father of the applicant passed away in 1998, which is 24 years ago and the case of the applicant has been admittedly considered by the respondents. It is

further seen that the applicant has slept over his right and not agitate the same since last 15 years. There is a presumption that the applicant had sustained himself over the last 15 years and he had no cause to come

to this Tribunal to espouse his claim.

5. Accordingly, I find no merit in the original application and the same is dismissed. No order as to costs.