

*** THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

AND

THE HON'BLE MRS. JUSTICE ANIS

+ WRIT PETITION No.31060 of 2015

% 28-09-2015

Mohd Aleem BaigPetitioner

And

\$ The Union of India and 3 others Respondents

! Counsel for the Petitioner : Sri C.Narender

^ Counsel for the Respondents : Sri B. Narayana Reddy

<Gist :

>Head Note:

? Cases referred:

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No.31060 of 2015

ORDER: (Per Hon'ble Sri Justice Nooty Ramamohana Rao)

This writ petition is directed against the order passed by the Central Administrative Tribunal, Hyderabad Bench in O.A.No.1081 of 2014, rejecting the said O.A. preferred by the writ petitioner herein. The petitioner claimed appointment on compassionate ground in the unit of respondent Nos.2 and 3. The case of the petitioner herein is, his father while serving as a Sorting Assistant expired on 23.02.1996 and in spite of his mother submitting representation for consideration of her case for appointment on compassionate ground initially and subsequently soliciting the claim of the applicant herein for such appointment, the respondents have not moved in the matter. Hence, the O.A. was filed. Since the said O.A. was dismissed, the present writ petition is instituted.

Heard Sri C.Narender, learned counsel for the writ petitioner.

It is urged by him that the fact that the case of the applicant was considered by the Circle Relaxation Committee, which met on 25.04.2000 and rejected the candidature is not in the knowledge of the applicant or his family members and no such communication rejecting the claim has been served on them. In those peculiar circumstances, the applicant could not approach the Central Administrative Tribunal earlier in point of time. He would urge therefore, that it shall not be put against the petitioner herein. We are afraid that this contention is without any substance or merit.

The very scheme of providing appointment on compassionate ground in cases where the government servant dies in harness is a welfare measure conceived and contemplated for providing an immediate succor to the distressed family. If a government servant dies suddenly leaving behind the dependants, the departure of such a bread winner would leave the family in ruinous conditions and they would be forced to lead a life of near penury. The Government being a model employer and also being a socialistic republic has been evolving various welfare measures and schemes for securing the overall objective of providing a fair chance for the family members of its former employees to survive and carry on with the difficulties of life by providing employment to one of the family members. If a government servant's family is not to be provided any such help in their hour of distress, the same may reflect adversely on the image of the government itself, as

unfaithful master, an adverse fall out situation would arise and people may tend to misunderstand the government as an institution which does not care for the family of a servant, who had served so faithfully, loyally and honestly all through his years of good health. It is in this backdrop providing the compassionate appointment for one of the family members of deceased government servant has been conceived and put in place. It is more in the nature of exception to the general rule of providing employment by throwing it open to all eligible and suitable candidates to compete as is required by the mandate contained in Articles 14 and 16 of Constitution. Therefore, for one to avail any such benefit of securing employment, the same must be resorted to in quick time. If a government servant, as in the instant case, who died in 1996 can survive right up to 2014, nearly 18 years of time entirely on their own without there being any support extended by the Government other than the terminal benefits which the deceased government servant is entitled to be paid, that circumstance alone will bring forth the conditions of the family reflecting that they are not in ruinous condition and hence, the exception of making an appointment on compassionate ground taken recourse to or resorted to after lapse of 18 years time from the death of the government servant is not warranted. For this reason alone, we do not find any error in exercise of jurisdiction carried out by the Central Administrative Tribunal warranting our interference.

Accordingly, the writ petition is dismissed at the admission stage.

Consequently, miscellaneous petitions, if any, pending shall also stand dismissed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

28.09.2015

Note: L.R. Copy to be marked

(B/o)

ska