



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.2291 of 2025
Date of Decision: 11.02.2025**

Nathi Ram

.....Petitioner.

Versus

Central Administrative Tribunal, Chandigarh and others

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Karnail Singh, Advocate
 for the petitioner.

Mr. Ravi Sodhi, Senior Panel Counsel with
Mr. Umesh Pandey, Advocate
for respondent No.2-UOI.

SANJEEV PRAKASH SHARMA, J.(Oral)

This petition has been preferred assailing the order dated 06.08.2024 passed by the Central Administrative Tribunal, Chandigarh Bench (for short, 'the CAT'), whereby the **Original Application No.060/00893/2020** filed by the petitioner seeking compassionate appointment after attaining the age of 44 years has been rejected.

2. Learned counsel for the petitioner submits that the petitioner was never given an opportunity to submit his documents and the respondents were asking to first produce the matriculation certificate and therefore, he could apply earlier. He applied in the year 2016 but his



application was rejected. He again applied in the year 2020 after having passed the matriculation examination in the year 2019 but his application was again rejected whereafter he filed the O.A. before the CAT and the CAT has erroneously dismissed his application.

3. Learned counsel further submits that it is on account of the fault of the respondents alone that the petitioner has been deprived of his right to claim the compassionate appointment.

4. We have considered his submissions.

5. It would be apposite to quote the findings of the CAT with respect to the attempts made by the respondents for asking the petitioner and his brother offering them compassionate appointment as well as the relevant financial benefits. The relevant paragraph Nos.9 and 10 of the order read as under:-

“9. I have perused the documents placed on record by the parties. The applicant’s father expired on 13.08.2011 and after few days thereafter only, the respondents vide letter dated 03.09.2011 addressed to the applicant and his brother Ashwani Kumar to submit the necessary documents mentioned therein so as to release the relevant financial benefits and also to submit the application for appointment on compassionate grounds, as mentioned at Sr. No. 09 in that letter. The reminders dated 24.09.2011 and 27.12.2011 were also issued. It is also noticed that vide letter dated 27.12.2011 (Annexure R-3), the applicant and his brother were reminded that they did



not give any application for appointment on compassionate grounds till date and they were advised to meet the Competent Authority in this regard, so that, further action could be taken in their case. A perusal of the letter dated 17.05.2012 reveals that none of the sons of the deceased employee submitted any application despite repeated reminders nor they approached the Competent Authority after nine months of the death of his father, therefore, the respondents gave them last opportunity to contact the office with regard to appointment on compassionate grounds within 15 days or their case will be closed without any further notice. The series of letters issued to the sons of the deceased employee is the evidence enough to accept that the respondents themselves were keen to extend immediate financial help to the bereaved family, who lost their bread winner, but the family did not come forward to seek the benefit. The respondents were left with no other option but to arrive at the conclusion that the family does not need any financial help in the form of appointment on compassionate grounds and therefore, the case was closed.

10. Further, after the case was closed in the year 2012, the applicant wake up in the year 2016 and submitted his application dated 20.08.2016 for appointment on compassionate grounds and in response thereto, he was informed by the respondents vide letter dated 24.11.2016 that his case has already



been closed vide letter dated 17.05.2012 and it was also noted therein that the widow of the deceased employee has expired in the meantime and all the wards of the deceased employee are married and the object of the Scheme for Appointment on Compassionate Grounds is to provide immediate financial help to the family of the deceased employee but in the present case, it has been five years that the death of the employee occurred. Then, again four years thereafter, the applicant came out with his application dated 30.01.2020 along with matriculation certificate and other documents seeking appointment on compassionate grounds, which was again rejected vide order dated 01.07.2020. The contention of the applicant is that since in the year 2019 only he passed matriculation examination, which is the requisite qualification for seeking appointment on compassionate grounds, therefore, he could apply at such belated stage for compassionate appointment. Learned counsel has also placed on record a letter dated 16.07.2010 to raise an argument that the in special cases, General Manager of the Railway can relax the condition of education qualification. I do not find anything in the pleadings, which could suggest that the applicant's case was ever rejected or not process due to lack of minimum educational qualification. The case was closed only when the wards of the deceased employee did not come forward to seek employment on compassionate



grounds despite repeated reminders. I don't find anything illegal in the opinion formed by the respondents that the family of the deceased employee does not need any financial help to survive after the death of the employee."

6. From the averments as noticed by the CAT, it is apparent that the petitioner has shown scant interest in seeking compassionate appointment at the relevant time. It appears that either the petitioner was engaged somewhere else or he was not interested initially and he has chosen to move an application only in the year 2016.

7. One of the contentions raised by the petitioner's counsel is with respect to the condition laid down for compassionate appointment issued by the Ministry of Railways dated 09.12.2011 which speaks of recruiting persons as trainees on compassionate grounds if they do not possess the prescribed educational qualification and giving them opportunity to acquire the said qualification, whereafter to place them in the regular cadre.

8. However, we do not find it as a ground for not moving an application for seeking compassionate appointment. None of the brothers moved any application. The widow, in the meanwhile, also expired. Thus, the very purpose of granting compassionate appointment under the Rules to one of the members of the family so that financial help may be provided to them, has faded. It has also been noticed that both the brothers were married and must have been earning somewhere else. The delay and laches, in such circumstances, is material as held and noticed by the CAT in the



case of *State of J&K and others Vs. Sajad Ahmed Mir, (2006) 5 SCC 766*.

9. We, therefore, find the writ petition to be wholly misconceived and the same is, accordingly, dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

February 11, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No