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Central Administrative Tribunal  
Principal Bench

O.A.No.3233/2002  
M.A.No.2791/2002  
M.A.No.2792/2002

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 12th day of December, 2002

1. Smt. Phool Pati  
wd/o Late Sh. Munshi Ram
2. Raj Bhadur  
s/o Sh. Munshi Ram  
r/o God Bhawan Gali No.40  
Sadh Nagar-I  
Palam Colony  
New Delhi. .... Applicants

(By Advocate: Sh. Yogesh Sharma)

Vs.

1. Union of India through  
The General Manager  
Northern Railway  
Baroda House  
New Delhi.
2. The Divisional Railway Manager  
Northern Railway  
Firozpur Division  
Firozpur. .... Respondents

O R D E R (Oral)

By Shri Shanker Raju, M(J):

Claim of the applicant is for compassionate appointment for the son of the deceased. Her request was rejected on the ground that he does not posses the minimum educational qualifications despite relaxation as contained in Clause VI of Master Circular No.16 which deals with appointment on compassionate ground.

2. Applicant's counsel contends that there are number of posts and provisions for which the minimum educational qualifications prescribed may not be insisted upon but the benefit of the same has been granted only to the widow of Govt. servant and same has not been extended to the son of the Government.

(3)

servant, which is not only illegal but discriminatory violative of Articles 14 and 16 of the Constitution of India. Moreover, Clause XIII of the Master Circular, it is contended that on prior approval of the Minister of Railways and approval of the General Manager, any provision of the Master Circular can be relaxed or deviation from the provisions mentioned in the Circular ibid is allowed. Applicant states that being an illiterate he could not seek such relaxation under Clause XIII ibid.

3. Ends of justice would be met if the present OA is disposed of by directing the applicant to represent, seeking relaxation under Clause XIII of the Master Circular narrated vide OM dated 7.8.1990, to respondents who have denied the appointment only on the ground of education qualification, they would consider the case of the applicant and take necessary steps for seeking approval of Minister of Railways within two months from the date of receiving the representation of the applicant. The representation shall be made by the applicant within one week from the date of receipt of a copy of this order. No costs.

S. Raju

(Shanker Raju)  
Member(J)

/rao/