

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 16th day of November Two Thousand And Seventeen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/01680/2016

Smt. K. Ilangiam
W/o. Late E. Muniappan
R.Pudukottai, V. Pudur Post,
Trichy Dist 639 108.Applicant

(By Advocate : M/s. Ratio Legis)

VS.

Union of India Represented by
The General Manager
Southern Railway,
Park Town, Chennai.Respondents

(By Advocate: Dr. D. Simon)

to call for the records related to the death in harness or late E. Muniappan and the letter dated 08.01.2009 which inter alia conveyed that the matter was pending with the authority concerned and further to direct the respondents to consider applicant's son for compassionate ground appointment in terms of the mandatory provisions."

2. Heard. Learned counsel for the applicant submits that the applicant is aggrieved by Annexure-A/5 communication on behalf of the General Manager, Southern Railway dated 17.11.2015 rejecting her claim for compassionate appointment for her son. It is submitted that the applicant had been offered appointment in Group-D service as Safaiwala in February 1994 after the death of her husband in 1989. However, the applicant was unable to respond to the offer because of poor health at the relevant time. Subsequently, she sought appointment for her son in 2006 which had not been considered.

3. Learned counsel for the applicant would draw attention to the statement contained in Annexure-A/5 communication to the effect that the applicant had requested for her son, Sri E. Mahamuni to be appointed on compassionate grounds who was then aged 22 years and studied up to 8th standard. It is also submitted that the applicant's son is not employed and it is not known on what basis it is stated in the communication that her son was employed and dependency was not established. He accordingly seeks necessary directions to the respondents in this regard.

4. In the reply filed by the respondents, it is pointed out that the applicant was offered appointment by letter dated 17.2.1994. However, for the reasons best known to the applicant, she did not



respond to the said order. She also did not intimate her unwillingness to take up the job. The applicant, thereafter, sought appointment for her son, Sri E. Mahamuni, aged 22 years and studied up to 8th standard on compassionate ground in the year 2006. Her request was examined and it was not considered a fit case for the reason that she was earlier offered appointment but she did not report back and no intimation was also sent to the respondent about her inability to join. She requested for appointment of her son for the first time only in the year 2006 after a period of 17 years from the date of death of the deceased employee.

5. Learned counsel for the applicant would submit that the applicant's son was a minor at the time the applicant was offered compassionate appointment which she was unable to avail of. She was unable to seek compassionate appointment for her son at that time for the said reason. It is submitted that as per RBE No. 77/2011 dated 31.5.2011, "General Managers may consider and decide time barred cases up to 25 years from the date of death/medical unfitness of the ex-employees" and as such, the ground that 26 years had passed from the date of death of the deceased employee and, therefore, no compassionate appointment could be granted is not a valid one. When the applicant sought compassionate appointment for her son in the year 2006, only 17 years had passed from the date of death of the employee.

6. I have considered the facts of the case. It is not in dispute that the applicant sought compassionate appointment for her son in the year 2006, i.e. 17 years after the death of her husband. However, since the RBE cited supra clearly states that time barred cases of compassionate appointments could be considered up to 25 years from the date of death of the employee, rejection of the claim on the ground of delay and laches cannot be upheld. As for the other



grounds taken in the impugned order such as the applicant's son being in employment and dependency not being established, the impugned order does not disclose what procedure was followed and what evidence was relied upon to arrive at such conclusion. The applicant is entitled to a consideration of her claim in a transparent manner. Accordingly, Annexure-A/5 communication is set aside. The respondents are directed to consider the matter afresh and pass a reasoned and speaking order in terms of RBE 77/2011 dated 31.5.2011 and duly disclosing the basis of their conclusions with respect to the financial condition of the family, within a period of three months from the date of receipt of copy of this order.

7. The O.A. is disposed of with the above direction. No costs.