



**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELHI**

O.A. No. 1457/2019

Reserved on: 28.01.2020

Pronounced on: 05.02.2020

## **Hon'ble Ms. Aradhana Johri, Member (A)**

G Pandarinath, Age-30 years  
S/o Late G Ravindranath,  
R/o S-658, Shakarpur,  
Delhi-110092

....Applicant

(By Advocate : Mr. Naresh Kaushik with Ms Akshita Rao and Mr Nitin Kumar)

## Versus

1. Union of India  
Through its Secretary,  
Ministry of Railways,  
256-A, Raisina Roadm, Rajpath Area,  
Central Secretariat, New Delhi-110001
2. The Secretary (Estt.)  
Railway Board, Rail Bhavan  
New Delhi-110001
3. General Manager,  
South Central Railway,  
Secundrabad-500071

....Respondents

(By Advocate: Mr VSR Krishna and Mr Krishan Kant Sharma)

## ORDER

**Ms. Aradhana Johri, Member (A):**

Mr. Naresh Kaushik with Ms Akshita Rao and Mr Nitin Kumar, learned counsels appeared for the applicant and Mr VSR Krishna and Mr Krishan Kant Sharma, learned counsels appeared for the respondents.

2. The applicant's father was employed as Constable in



Railway Protection Force, South Central Railway. He died on 03.06.1990 and his wife died on 21.08.1990. The applicant was a minor at that time and through his guardian (his grandmother) he received DCRG, Employee Group Insurance Scheme fund etc. He became a major in 2006. On 17.12.2013, he made an application to Divisional Railway Manager (DRM), South Central Railway, Secunderabad, for appointment on compassionate ground. This OA has been filed to direct the respondents to consider the case of the applicant for appointment on compassionate ground.

3. The applicant has contended that after the death of his parents, he was brought up by his grandmother and faced extreme financial hardship. In 2003, his grandmother gave an application to the Divisional Railway Manager (DRM) for compassionate appointment of the applicant, who was then still a minor. Thereafter on becoming a major, the applicant himself applied for compassionate appointment in December, 2013. As per order no. SCR/P-HQ/122/CGA/Security Br./22 dated 23.02.2017, issued on behalf of General Manager, South Central Railway, it has been stated that the instant case is more than 25 years old since the death of the applicant's father, but in terms of Railway Board letter



no. E(NG)II/98/RC-1/64 dated 31.05.2011 [RBE No. 77/2011], the General Manager may consider the time-barred cases of compassionate appointment which are upto 25 years old from the date of death/medical unfitness of the ex-employee. Therefore, this matter was referred to the Railway Board.

4. The respondents have controverted the claims of the applicant. They have stated that as per rules the object of the scheme is to grant appointment on compassionate grounds to a dependent family member of a Govt. servant dying in harness in order to save them from financial destitution and to help them to get over the emergency.

They have cited the scheme as below:-

*“The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency. The family is indigent and deserves immediate assistance for relief financial destitution.*

.....”

5. Learned counsels for respondents have stated that the father of the applicant expired in 1990 and the application for compassionate appointment was given in



December, 2013. Therefore it cannot be maintainable, after the passage of so many years when the real hardship would have taken place at the time of death of the applicant's father. They have also denied that any application was made in 2003. Copy of the so called application submitted by the applicant, which is at Annexure A-4, has no acknowledgment of receipt from respondents and, therefore, it cannot be relied upon.

6. Learned counsels for respondents have filed Master Circular No. 16 in Compendium on Appointment on Compassionate Grounds, which gives a time limit for making compassionate appointments as below:-

**V. TIME LIMIT FOR MAKING COMPASSIONATE APPOINTMENTS:**

(a) *Normally all appointments on compassionate grounds should be made within a period of five years from the date of occurrence of the event entitling the eligible person to be appointed on this ground. This period of five years may be relaxed by the General Manager, subject to the following conditions:*

- (i) *The powers shall be exercised personally by the General Manager. It shall not be delegated to a lower authority.*
- (ii) *The case should not be more than ten years old as reckoned from the date of death.*
- (iii) *The widow of the deceased employee should not have remarried.*
- (iv) *The benefit of compassionate appointment should not have been given at any time to any other member of the family or to a near relative of the deceased employee.*



(v) The circumstances of the case should be such as to warrant relaxation of the time limit of five years.

(vi) The reasons for relaxing the time limit should be placed on record.

(vii) The request for compassionate appointment should have been received by the Railway Administration as soon as the son/daughter to be considered for compassionate appointment has become a major, say within a maximum period of one year.

The above delegation of powers is current upto 31.03.1992.

[No. E(NG)II/84/RC-1/26 dated 18.04.1985 and 18.04.1990]

(b) where death occurred more than 10 years back and also in cases where death took place between 5-10 years back but the conditions stipulated in para V (a) above are not fulfilled, a compassionate appointment is not within the competency of the General Manager except in the case of loss of life in course of duty or getting crippled in the course of duty. However, in such cases, if compassionate appointment is otherwise admissible and if after careful examination of the case it is found that there are special features or circumstances justifying relaxation of time limit as also criteria, the cases could be considered by the Railway Administration for approaching the Railway Board for relaxation of as a special case. Such a reference to the Railway Board should be made by the Railway Administration only with the personal approval of the General Manager.[No. E(NG)II/87/RC-1/57 dated 21.08.1987]"

7. Learned counsels for respondents have also pointed out that the applicant is a B.Tech graduate and was working in a private company from 2011-14 drawing Rs. 1,80,000/- p.a. Therefore, the question of his being

indigent does not arise.



8. Learned counsels for respondents have further stated that when the applicant became 25 years old in 2013 he stopped getting the family pension and thereafter only, he made an application for compassionate appointment for which he is not eligible.
9. Learned counsels for respondents have also stated that by the time of filing of the OA, the matter had been submitted to the Railway Board who had already disposed of the same. The decision of the Railway Board was communicated to the applicant vide Sr.DSC/SC Lr No. S/X/P.268/ACG/Vol.VII dated 24.07.2019, wherein the applicant's request for appointment on compassionate ground was not agreed to.
10. Heard Mr. Naresh Kaushik with Ms Akshita Rao and Mr Nitin Kumar, learned counsels for applicant and Mr VSR Krishna and Mr Krishan Kant Sharma, learned counsels for respondents.
11. In **Umesh Kumar Nagpal Vs. State of Haryana & Ors. SLP [C] No. 10504 of 1993 with Anil Malik Vs. State of Haryana & Ors. SLP [C] No. 2385 of 1994** the Hon'ble Apex Court held the following:-

*"For these very reasons, the compassionate employment cannot be granted after a lapse of*



*a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crises which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over."*

12. In several other rulings, the Hon'ble Apex Court has made it clear that compassionate appointment is not a matter of entitlement and confers no rights, but is only given in exceptional circumstances to tide over a financial crisis.

13. In this case, it is clear that the application seeking compassionate appointment was made well beyond the limit set in the rules.

14. Furthermore, the circumstances of this case clearly point out that the applicant is highly qualified, being a B.Tech graduate, and has been working in a private company from 2011-14, drawing Rs. 1,80,000/- p.a., as per the contention of the respondents. This has not been denied by the applicant in his rejoinder wherein he has admitted that he did a private job for a short stint. Furthermore, the applicant drew the family pension till 11.06.2013 when he reached the age of 25 years and only after that he file this application for compassionate appointment.



15. Therefore, it appears to be a well planned strategy on the part of the applicant to get a Government job after having tried his luck at private jobs and having drawn the entire amount of the family pension.

16. The respondents have clearly stated in their counter at Page 6 Para (p) that the Railway Board has already rejected the case of the applicant for compassionate appointment which has been taken note of in the rejoinder by the applicant wherein he has stated that there is no justification for causing such an unexplained delay in processing the case. When a final decision had already been taken by the Railway Board in the matter, even though the same was communicated to the applicant after filing of the OA, but well before the OA reached the final stage, the decision of the Railway Board has not been challenged by the applicant by way of amendment to the OA. However, I find that the applicant has not been able to make out a case for eligibility for appointment on compassionate grounds.

17. In light of the above, the OA, being devoid of merit, is dismissed. No order as to costs.

**(Aradhana Johri)**  
**Member (A)**

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