

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1575/2016

Reserved on: 19.02.2020
Pronounced on: 25.02.2020

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

Smt. Geeta aged 35 years
W/o Late Shri Raj Kumar
Ex Gateman, Rohtak, Delhi Division, N.Rly.,
R/o C/o Jeet Singh, Rly Qr. No.T-157/C,
Railway Colony, Panipat (Har.) ...Applicant

(By Advocate: Shri H.P. Chakravorty)

Versus

1. Union of India through the Secretary,
The General Manager,
Northern Railway, Baroda House,
New Delhi-110 001.
2. The Divisional Railway Manager,
Northern Railway, State Entry Road,
New Delhi – 110 053.
3. Manoj Kumar s/o late Sh. Raj Kumar
4. Sunil Kumar s/o Late Shri Raj Kumar
Respondents No.3 & 4 both are residing on the
following address:
C/o Sh. Rajender (Attendant),
Bahadurgarh Railway Colony,
Near Bahadurgarh Railway Station,
Bahadurgarh, Haryana. ...Respondents

(By Advocate: Sh. Kripa Shankar Prasad)

O R D E R

The applicant Smt. Geeta is the widow of late Raj Kumar, who was a railway employee and expired on 19.05.2011. Thereafter the applicant received terminal

benefits of her deceased husband. She has filed this OA seeking appointment on compassionate ground in place of her husband. She has prayed for setting aside of order No.App/CG/1692/S.Cell/P dated 24.05.2012 (Annexure A-1) by which her request for appointment on compassionate ground was rejected. She has claimed that she has no source of income and has the liability of four minor children. Therefore, she should be appointed on compassionate ground.

2. The respondents have denied the claims of the applicant. They have stated that when an enquiry was done by the Welfare Inspector, it was found that the applicant did not reside with her husband but two sons were found present on the spot. Since the applicant was estranged from her husband, in the medical card and pass/TTO of the deceased employee it was found that he had mentioned the name of Smt. Geeta upto the year 2007 but in the year 2011, her name was not there. In the medical card of 2011 of the deceased employee, names of only his two sons Manoj Kumar and Sunil Kumar were mentioned. They have stated that the applicant had filed a case for maintenance from her husband. They have also stated that the deceased employee was first married to another woman and after divorce from her he married the

applicant. They subsequently had estranged relations and were residing separately. Therefore in official documents of the deceased employee after this date, there is no mention of the applicant. They have filed copies of the medical card, pass/TTO which are annexed as Annexure R-1 & R-2).

3. Heard Sh. H.P. Chakravorty, learned counsel for the applicant and Sh. Kirpa Shanker Prasad, learned counsel for the respondents.

4. It has been found that terminal benefits of deceased employee have already been paid to the applicant. Earlier also, the applicant had filed OAs after which these benefits were released to her. However, the issue of compassionate appointment is on a different footing. Time and again Hon'ble Apex Court has held that this is not an alternative mode of recruitment nor is it an entitlement. It is just to save the family from destitution. The respondents have stated repeatedly and filed evidence in support of their contention that the applicant was estranged from the deceased employee and was living elsewhere since 2007. Even the applicant herself has admitted that she was not staying with her husband at the time of his death. Therefore, it cannot be said that she was financially

dependent on her husband and the responsibility of the remaining family is on her.

5. In view of the above discussion, this OA does not have any merits and is accordingly dismissed. There shall be no order as to costs.

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

/AhujA/