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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.608/95

New Delhi, this the 12th day of May, 1995

Hon'ble Shri J.P. Sharma, Member(J)

1. Smt. Badami,
widow of late Shri Kazodmal

2. Shri Ram
s/o late Shri Kazodmal

R/o Village Dhanas,
House No.141, Najafgar,
New Delhi.

... Applicants

By Advocate: Shri M.K. God, proxy counsel
for Shri V.P. Sharma

Vs.

1. Union of India
through the General Manager,
Western Railway,
Churchgate, Bombay.

2. The Divisional Security Commissioner,
RPF, Bombay Central,
Bombay.

... Respondents

O R D E R (ORAL)

It is alleged in the application that

Applicant No.1 Smt. Badami, widow of late Shri
Kazodmal and Applicant No.2 Shri Ram is the son
of late constable Kazodmal, who was employed in
the office of Divisional Security Commissioner,
RPF, Bombay Central, Bombay, died on 28.12.1970.

Both the applicants have prayed for compassionate
appointment to Applicant No.2 who is posthumous
child of the deceased employee, being born on

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28.5.91. The allegations in this application are that the said Kazodmal was survived by his widow Smt. Badami born in 1947, three daughters born in 1962, 1965 and 1968 and the Applicant No.2 born on 20.5.1971. This appears to have been the strength of the family as evidenced by Annexure A-3. A certificate given by the widow herself who is said to be illiterate lady. It is also alleged in the application that the applicant No.2 when he became major having attained the age of 18 years made a representation to the respondents but that has not been annexed. But sometimes in 1993 some queries were made by the Divisional Security Commissioner, RPF, Bombay Central Bombay from Applicant No.1.

After this the Applicant No.1 has not been given any reply and as such the present application has been filed in April, 1995. Heard ^{Gau} Shri M.K. ~~God~~, proxy for applicant and perused the pleadings and annexures. Normally there should be ^{Compassion} ~~compensation~~ and magnanimity in a case where an employee dies in harness and the family has to be rehabilitated. However, in the present case when the family has outlived itself for all these 25 years without any aid in compassionate appointment it cannot be said that the

family needed immediate rehabilitation on the death of the deceased employee. This is being observed on the basis of certain allegations made in the application which are taken for granted though not accepted as bonafide.

A compassionate appointment is not backdoor entry to the service but it is only when the family is ⁱⁿ indigent circumstances. If the family did not need any help immediately after the death of the deceased employee, I do not find that the family is ⁱⁿ indigent circumstances. The law has been laid down by the Hon'ble Supreme Court in the case of LIC Vs. Asha Ramchandra Ambedkar reported in 1994(2) S.C.183 and in the case of Umesh Kumar Nagpal reported in JT 1994(3) SC 525. Though the learned counsel for the applicant has referred to certain authorities of the Hon'ble Supreme Court in the case of Smt. Sushma Gosain Vs. UOI & Ors (AIR 1989 SC 1976) and Smt. Phoolwati Vs. UOI & Ors (AIR 1991 SC 469). Both these authorities have been considered by the Hon'ble Supreme Court in the above reported decisions of Asha Ramchandra Ambedkar and Umesh Kumar Nagpal.

The applicant could not make out a prima facie case for admission and the application is dismissed in limini at the admission stage itself.

J. P. Sharma
(J.P. SHARMA)
MEMBER (J)

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