

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(8)

O.A./T.A. No. 1184/95 /19 Decided on: 9.4.96

Ms. Majit Kaur APPLICANT(S)
(By Shri Q.P. Gupta Advocate)

VERSUS

U.O.I. RESPONDENTS
(By Shri R.L. Dhawan Advocate)

OC RAM
THE HON'BLE SHRI S.R. ADIGE, MEMBER (A)

THE HON'BLE ~~SIR~~/SMT./~~SIR~~ LAKSHMI SWAMINATHAN, MEMBER (J)

1. To be referred to the Reporter or not? Yes
2. Whether to be circulated to other Benches of the Tribunal ?
No

Adige
(S.R. ADIGE)
Member (A)

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1148 of 1995

New Delhi, dated the 9th April, 1996

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE Mrs. LAKSHMI SWAMINATHAN, MEMBER (J)

Miss Manjeet Kaur,
D/o late Shri Hardit Singh,
R/o Railway Qr. 74A-5, Motia Bagh,
Delhi. APPLICANT

(By Advocate: Shri O.P. Gupta)

VERSUS

1. Union of India through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. The Divl. Railway Manager,
Northern Railway,
DRM Office,
New, Delhi. RESPONDENTS

(By Advocate: Shri R.L.Dhawan)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

We have heard Shri O.P. Gupta for the applicant and Shri R.L. Dhawan for the respondents.

2. The applicant is aggrieved by the Respondents' action in not considering her for employment, in lieu of the meritorious service rendered by her father who was loyal worker during the 1974 Railway strike. At that time, the applicant admittedly was only 20 months old. It is also admitted that her father expired in 1982.

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2. It is clear from the contents of the Respondents' letter dated 13.2.1974 (Annexure A-10) on which the applicant bases her case that the Scheme for granting employment to sons/daughters/dependents of Railway workers who remained loyal during Railway agitations/work stoppages, etc. was an extension of the Scheme for granting compassionate appointment to sons/daughters and dependents of Class III and Class IV employees who die prematurely or get permanently crippled or afflicted with serious illnesses, leaving the family in straitened circumstances.

3. The Hon'ble Supreme Court has laid down in a catena of decisions that the grant of compassionate appointment is by way of an exception to the equality clause enshrined in Art. 14 and 16 of the Constitution and it is justified for the reason that it provides immediate financial relief to the family of the Govt. employee, to save it from indigence. There can be no justification for granting any favourable treatment to the applicant 22 years after the 1974 Railway strike was over, when the applicant herself was barely 20 months old and her father himself expired on 20.6.82, more particularly when the applicant's father was separately granted one of the awards for loyal service during the 1974 strike period, namely sanction of one advance increment.

4. Furthermore, we notice from the contents of Railway Board's notice dated 16.7.76 (Ann. R-3) that it is only those applications which were received before 31.12.75 which were to be considered against this loyal quota which was fixed at 20% of the posts and admittedly the applicant was barely three years old at that point of time.

5. The applicant's counsel has relied upon AIR 1978 SC 283; and AIR 1972 SC 628, but in view of the clear legal position discussed above, neither of these rulings help the applicant.

6. Under the circumstances, we are unable to grant the relief prayed for by the applicant. The O.A. fails and is dismissed. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
Member (J)

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(S.R. ADIGE)
Member (A)

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