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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.No.783/1994

New Delhi, This the 27th Day of July 1994

Hon'ble Shri P.T.Thiruvenqadam, Member(1)

1. Smt Vimla Patni
Widow of Late Shri T.N. Varma
Died while working as
Guard, Central Railway
Mathura Junction R/O
179/4, Jeewan Nagar, Opp. DESU Colony
Kilokeri, New Delhi.
2. Kumari Preeti Patni
D/O Late Shri T N Varma
R/O 179, Jeewan Nagar
Opp DESU Colony
Kilokeri, New Delhi.

...Applicants

By Shri S K Sawhney, Advocate

Vs

1. Union of India Through
General Manager
Central Railway
Bombay (VT)
2. Divisional Railway Manager
Central Railway
Jhansi.

...Respondents

By Shri H K Gangwani, Advocate

O R D E R(oral)

Hon'ble Shri P.T.Thiruvenqadam, Member(1)

1. The applicant No.1 is the widow of the Railway employee who died as a Guard in the year 1986. On the death of the employee his son was given compassionate appointment in the year 1988 and the compassionate appointed himself died in road accident in the year 1993. Applicant No.2 who is the daughter of applicant No.1 was said to be depending upon on the father initially and later on her brother. On the death of her brother applicant No.2 prayed for compassionate appointment which

has not been extended by the respondents. This OA has been filed with a prayer for a direction to the respondents to consider appointment to applicant No.2 on compassionate basis.

2. The learned counsel for the applicant ⁱⁿ states that the family is indigent circumstances in that apart from the widow and applicant No.2 there is one more minor unmarried daughter. On the death of the father of the family some succour was available when the only son was offered compassionate appointment. But on the death of the son in the year 1993 the family is once again in difficult circumstances with two unmarried daughters in addition to widow (applicant No.1). It is the case of the applicants that the scheme for compassionate appointment provides for consideration of the case of dependents and applicant No.2 who is now to shoulder the responsibility in these indigent circumstances should be given the compassionate appointment.

3. The learned counsel for the respondents briefly explained the scheme relating to compassionate appointment. The scheme has been made out to provide relief to the immediate dependents of the deceased persons. In the case in question the employee who died in 1993 was a Bachelor and the question of compassionate appointment to his family members did not arise. The offer of appointment to son's relatives could have been considered if the widow of the deceased employee was not in a position to take up the job and even the children were minor. But this is not the case.

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4. On pursual of the instructions issued by the Railway Ministry vide EN(G)III/78/RC-1/1 dated 304.79 I find there is a provision as under:

"Para 13. In case any other deviation from the above instructions is considered necessary in any particular case, the same should be obtained from the Ministry of Railways before any officer of appointment is made."

Thus the instruction provide for special consideration being shown in cases requiring exceptional consideration. At this stage the learned counsel for the applicant relied on orders passed by one of the Benches in a similar case where it has been observed as under:

"Having heard the learned counsel for the parties and having given careful consideration to the entire aspects of the case we think that we had to take a sympathetic view in the matter based on equity and justice and be not swayed by technicality. Since the appointment is to be made on compassionate ground and such compassion must be related to the object of relieving the financial distress of the family of the deceased which actually comprises of all such members who were dependents on the income of the deceased Ghanashyam Das. (SLJ 94(I)(CAT) 438)

5. The Hon'ble Supreme Court in LIC Vs Mrs Asha Ramachandara Ambakar and others reported in JT 1994(2) SC 183 have laid down the law with

regard to compassionate appointment. "Direction regarding appointment on compassionate grounds are not to be given but only direction for consideration of the claim be made".

6. Accordingly I direct the respondents to refer the case to the Ministry of Railways bringing out the various aspects and for suitable considerations by the Ministry with regard to the offer of compassionate appointment with regard to applicant No.2. Respondents are directed to ensure that a decision in this regard is conveyed to the applicant No.2 within 4 months from the receipt of this order. The OA is dismissed of with the above direction. No costs.

P. J. Dm
27/7/94
(P.T. THIRUVENGADAM)
Member (A)

LCP