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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

R.A. No. 130 of 1996
in
O.A. No. 2318 of 1995

New Delhi, dated the 1st January, 1998

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

Shri Ashok Kumar Bhalla,
S/o Shri Balbir Raj Bhalla,
Casual Labour Luggage Porter,
Under Station Manager,
Railway Station,

Delhi. ... REVIEW APPLICANT
(By Advocate: Shri B.S. Mainee)

VERSUS

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divl. Railway Manager,
Northern Railway,
State Entry Road,
New Delhi.
3. The Divl. Superintending Engineer,
(Estate),
Northern Railway,
D.R.M. Office,
New Delhi. ... RESPONDENTS

(By Advocate: Shri P.S. Mahendru)

ORDER

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

Consequent to the premature
retirement on medical grounds of Shri
B.R. Bhalla, Driver Grade 'B', Northern
Railway on 28.2.87 his elder son Shri
Bharat Bhushan was granted compassionate
appointment on 15.3.88 and Quarter No.
38/6, Railway Colony, Kishanganj, Delhi
which had been allotted to Shri Bhalla
was regularised in Shri Bharat Bhushan's
name. Unfortunately Shri Bharat Bhushan

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met with a train accident and died on 21.3.90, upon which Shri Bhalla prayed for grant of compassionate appointment to his next son Shri A.K. Bhalla, the minor applicant.

2. After some correspondence, respondents initially offered the review applicant appointment as a gateman, but as he was not declared fit for that post, they offered him the post of Luggage Porter vide letter dated 21.2.95, but thereafter by letter dated 30.3.95 they modified their earlier offer to that of a fresh casual labourer on daily wages for 120 days followed by temporary status. They also rejected review applicant's request for regularisation of Quarter No. 38/6, Railway Colony, Kishanganj, Delhi vide letter dated 30.10.95 on the ground that as he was appointed as a fresh casual labourer and as a brother he was not entitled to regularisation of the premises in question as per rules.

3. Thereupon review applicant filed O.A. No. 2318/95 seeking compassionate appointment other than as a casual labourer and regularisation of the quarter for the period applicant along with his widowed mother and younger brother were residing in the aforesaid premises after Shri Bharat Bhushan's death.

4. That O.A. was heard and disposed of by impugned judgment dated 1.7.96 whereby the review applicant's prayer for grant of compassionate appointment other than as a casual labourer and for regularisation of the quarter were rejected.

5. The present R.A. has been filed seeking review of that judgment.

6. I have heard Shri Maine for the review applicant and Shri Mahendru for the review respondents and also perused the grounds taken in the R.A.

7. Heavy reliance has been placed on the respondents' letter dated 7.4.83 consolidating the instructions regarding grant of compassionate appointment, but those instructions nowhere lay down that in each and every case of compassionate appointment, it must be regular appointment. In this connection the factors to be considered in the grant of compassionate appointment have been laid down by the Hon'ble Supreme Court in Umesh Kumar Nagpal Vs. State of Haryana & Ors. and connected cases JT 1994 (3) SC 525 which are extracted below:

"...As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit...However, to this general rule...there are some exceptions carved out in the interests of justice and...One such exception is in favour of the dependents of an employee dying in harness and leaving his family in penury and without any means of livelihood...The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The

object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Govt. of the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family."

8. It is clear that the objective is to give immediate financial relief to the family of the deceased Govt. servant and in this particular case respondents by granting applicant employment as a casual labourer, with temporary status accruing to him at the end of 120 days vide their letter dated 30.3.95 must be held to have acted in accordance with the principles contained in the Hon'ble Suprme Court's judgment extracted above.
9. The R.A. is therefore rejected.

Arifchq.
(S.R. ADIGE)
Vice Chairman (A)

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