

CVI
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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1585/2000

New Delhi, this the 1st day of April, 2002

Hon'ble Shri Govindan S.Tampi, Member (A)

Rajendera Kumar
S/o Late Shri Dhannu Ram
B/o Late Shri Om Prakash
R/o House No.906, Sunder Puri
Ghaziabad, UP.

...Applicant

(By Advocate Shri U.Srivastava)

V E R S U S

General Manager (P)
Northern Railway
Baroada House
New Delhi.

...Respondents

(By Advocate Shri Rajender Khatter)

O R D E R (ORAL)

By Hon'ble Shri Govindan S.Tampi,

The applicant in this case seeks compassionate appointment in place of his late brother as well as release of retiral benefits.

2. Heard S/Shri U.Srivastava and Rajender Khatter, ld. counsel for the applicant and the respondents respectively.

3. Applicant, Rajender Kumar, is the brother of Shriek Om Prakash, who passed away in harness on 29-11-1997, while working as Ferro Khallasi in Mechanical Branch, Northern Railway, New Delhi. The applicant states that he and his younger brother, a mentally retarded individual were dependent on their deceased brother, who was looking after them. Though he had applied for compassionate appointment, as well as settlement of DCRG, by his letters dated 26-12-1997 and 19-1-1998. Nothing has been done as yet. The legal notice served in this connection also had not evoked any response. Hence this OA.

... 2/-



4. According to Shri U.Srivastava, Id. counsel for the applicant, having been the dependent of his deceased brother, who was a Govt. employee, the applicant was correctly entitled to the benefits of DCRG and compassionate appointment, which had been illegally denied to him. He, therefore, seeks the intervention of the Tribunal in the matter.

5. In the reply filed by the respondents, it is indicated that the OA is totally mis-conceived as the applicant had no right either for compassionate appointment or for settlement of dues, standing in the name of the deceased employee, as his widow was very much alive. She had been given provident fund, insurance and family pension. However, DCRG had not been paid, as already over payments had been made. The applicant's name does not appear in the service book of the deceased employee and he is not the nominee of the said employee. Further, in terms of Rule 75 (19) (b) of the Railway Service (Pension) Rules, 1993, brother does not fall within the definition of family and he has, therefore, no right to claim the benefits, which should flow to the family from the death or retirement of a Govt. employee.

6. The above has been strongly urged by Shri Rajender Khatter, who prayed for the dismissal of the OA, being devoid of any merit.

7. On careful examination of the matter, I am convinced that the applicant has no case. A brother who has become major, cannot fall within the definition of the expression 'family', so as to be granted the benefits like family pension, DCRG, compassionate posting etc. Railway Service (Pension)

Rules, 1993, endorse the above. It is also on record that the applicant has not been indicated as a nominee or dependent by the deceased employee. He cannot at all, therefore, claim any benefit in the above context.

8. OA having no merits at all, fails and is accordingly dismissed. No costs.

(GOVINDAN S. TAMPI)
MEMBER (A)

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