

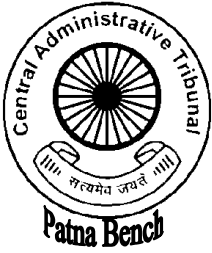
CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA

OA/050/00440/2020 MA 195/2020

Date of Order :03.12.2020

C O R A M

HON'BLE MR. M.C.VERMA, JUDICIAL MEMBER
HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER



1. Neelam Devi, W/o Late Sahdeo Yadav, At-Chakman Singh, P.O.-Jamalpur, P.S. Naya Ram Nagar, Ward No. 11, District- Munger, Bihar.
2. Balram Kumar, S/o Late Sahdeo Yadav, At-Chakman Singh, P.O.-Jamalpur, P.S. Naya Ram Nagar, Ward No. 11, District- Munger, Bihar.

..... Applicants.

- By Advocate : Shri Jayant Kumar Karn.

-Versus-

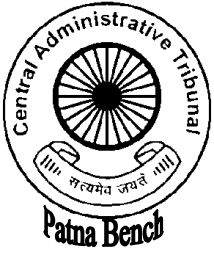
1. The Union of India through the General Manager, Eastern Railway, Fairlee Place, Kolkata-700001.
2. The Chief Personnel Officer, Eastern Railway, Kolkata-700001.
3. The Divisional Railway Manager, Eastern Railway, Malda Division, Malda-732102.
4. The Welfare Officer, Eastern Railway, Bhagalpur-812004.

..... Respondents.

By Advocate :- Shri S.K. Ravi, Id. SC

O R D E R [ORAL]

Per M.C.Verma, Member (Judl.):- Heard. Matter is at notice stage hearing. Today is the second date. When this matter is



coming on Board, this OA, along with MA for joint application has been preferred jointly by two applicants namely Neelam Devi and Balram Kumar. Neelam Devi is the widow of deceased employee namely Sahadeo Yadav and Balram Kumar is son of the said deceased employee. OA relates to appointment of applicant Balram Kumar (applicant no. 2) on compassionate ground. It has been pleaded in the OA that Sahadeo yadav employee of respondents while in service died in harness on 19.10.2019. That Smt. Neelam Devi, applicant no. 1 submitted her application to the respondents, praying compassionate appointment in favour of applicant no. 2. Welfare Officer of respondent department made inquiry and did submit the report in favour of appointment, certifying that applicant no. 2 is the son of deceased employee Sahadeo Yadav but surprisingly respondents now has rejected said request, vide order dated 15.10.2020 stating that candidature of Balram Kumar as a son of late Sahadeo Yadav could not be established. Applicants also have pleaded that Balram Kumar is the son of Late Sahadeo Yadav, they did has enclosed the affidavit copy of certificate of family members issued by Magistrate, copy of educational testimonials of Balram Kumar, copy of Aadhar Card and certificate issued by Mukhiya, Gram Panchait Indra Rukh East, Jamalpur.

2. The operative portion of impugned order is reproduced below :-

“ Compassionate Appointment case of Sri Balram Kumar, claimed as son of Late Sahadeo yadav, Ex-Helper under SSE (Works)/BGP has been examined carefully and meticulously by the competent authority.



This has been observed that as per the educational certificate of the candidate i.e. Shri Balram Kumar, his date of birth is 20.02.1989. Accordingly, at the time of joining of his father in Railway service, as Parcel Porter under SM/JMP, his age was 19 years and he was entitled for Pass/PTO, issued to the employee and his dependent family members. On going through the documents in the instant compassionate appointment case, this is found that the deceased Railway employee has never declared any document, mentioning the name of Sri Balram Kumar as his son. The reason for suppression of this fact is not clear. As such, it appears a case of concealment of information and suppression of fact from Railway administration. On the basis of available documents, the identity of the applicant i.e. Sri Balram Kumar as son of Late Sahadeo Yadav, Ex-Helper under SSE (Works)/JMP could not be established and also not beyond doubt.

Under the circumstances indicated above, the competent authority has regretted the compassionate appointment case of Sri Balram Kumar, claimed as son of Late Sahadeo Yadav, Ex-Helper under SSE (Works)/BGP.

Further, in view of the compassion in favour of the deceased family, you are advised that you may submit application for yourself for appointment on compassionate ground, otherwise, you may also submit application for consideration of compassionate appointment, as existing rule, in favour of Sri Rustam Raj, who has been declared as son of the Ex-Railway employee as per the Pass/PTO register maintained at the working place of Ex-Railway employee, during his life time.”



3. On last date, when matter came on Board, learned counsel for respondents took adjournment stating that he wants to seek instruction from respondents. Today, learned Advocate Shri S.K. Ravi appeared for respondents and stated at Bar that he was orally informed by the respondents that they are ready to re-consider the case of applicants afresh, to enquire about the status of Balram Kumar as the son of Sahadeo Yadav and till that after having inquiry, if it is found that Balram Kumar is the son of late Sahadeo Yadav then they will take further necessary steps and would pass appropriate order quo the compassionate appointment.

4. Learned counsel for the applicant submits that he is have no objection if the OA is disposed of acting upon submission of learned counsel for respondents and with direction to consider the case of applicants afresh.

5. Taking note of entirety, this OA is disposed of with direction to the respondents to have necessary inquiry to pass a appropriate and reasonable order afresh qua compassionate appointment of applicant Balram Yadav, within three months from the date of receipt of a copy of this order.

6. Needless to say, when we are directing to the respondents to consider the case afresh, the impugned order

of this OA has become non -east and therefore, to avoid complication impugned order dated 15.10.2020 is set aside.

MA pending with this OA is also stand disposed of. No costs.

[Sunil Kumar Sinha]
Member (A)

[M.C. Verma]
Member (J)

Pkl/

