

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

Date of Decision: 21.07.92.

OA 1862/92

Smt. BADAMI & ANR.

... APPLICANTS.

Vs.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

For the Applicant ... SHRI V.P. SHARMA.

For the Respondents ... ---

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporters or not ?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER (J)).

The applicant is admittedly widow of deceased Ganga Ram, who was a Gangman employed in the Railways. It is also not disputed that he died in harness on 8.2.90.

The applicant as an indigent person to rehabilitated herself ~~by~~ ^{and} the other members of the family ~~and~~ applied for compassionate appointment for one of his son Pyare Lal, applicant No.2. The respondents rejected the application by the impugned order dt. 27.11.91 and another order dt. 30.7.91. That

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the date of birth of the applicant No.2 is 9.7.63 and the father of the applicant, at the time of his entry into railway service had mentioned incorrect date of birth and so the applicant No.2 cannot be given compassionate appointment.

During the course of the arguments, the learned counsel argued that this is a case where the deceased employee was illiterate and the recorded date of birth of the deceased employee admittedly was incorrectly recorded. That issue cannot be now agitated by the respondents since the wrong action of a person dies with him. The learned counsel, however, desired that the applicant No.1 shall make a fresh representation for compassionate appointment giving better details about the date of birth of the deceased employee at the time when he entered into railway service and the respondents be directed to dispose of that representation.

The learned counsel for the applicant also invoked the principles of natural justice in as much as the progeny cannot be made liable to suffer for any fault of his ancestor.

The impugned orders also go to show that the case has not been considered on merit and rather

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there is a mention in the impugned orders that the deceased employee defrauded the railways by giving incorrect date of birth. The order does not show under what circumstances such date of birth was recorded.

In view of the above facts, the learned counsel for the applicant prayed that the application be disposed of as not pressed with a liberty to the applicant to make a fresh application.

The present application is disposed of as not pressed with liberty to the applicant No.1/2 to make fresh representations to the respondents to consider the case for compassionate appointment and the respondents shall dispose of the said representations without taking into account the observations made in this order preferably within a period of 12 weeks from the date of receipt of the representation. If the applicants are still aggrieved, they can seek the remedy in the proper form subject to the law of limitation.

J. P. SHARMA
(J.P. SHARMA)
MEMBER (J)
21.07.92.