

7

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

D.A.No.2315/1993

New Delhi, This the 14th Day of July 1994

Hon'ble Shri P.T. Thiruvengadam, Member(A)

1. Smt Birje Bai aged about 41 years widow of late Shri Panchoo and
2. Mohan Kushwaha aged about 21 years son of late Shri Panchoo C/o Nam Kishor 13/11, Kishan Ganj, Railway Colony, Delhi - 7.

...Applicants

By Shri H P Chakravorti, Advocate

Versus

Union of India through the Secretary
Ministry of Railways, Railway Board
Rail Bhawan, New Delhi.

2. The General Manager, Central Railway
Bombay V.T.
3. The Divisional Railway Manager,
Central Railway, Jhansi.

...Respondents

By Shri H K Gangwani, Advocate

O R D E R (Oral)

Hon'ble Shri P.T. Thiruvengadam, Member(A)

1. The husband of applicant No.1 expired as gangman on 25.11.81. He was working with the Central Railway. This OA has been filed seeking ~~for~~ a direction to the respondents for compassionate appointment in favour of applicant No.2 who is the son of the deceased employee and for grant of any other relief as deemed just and proper to the petitioner. The respondents have stated in their reply that applicant No.1 was offered a job as casual water woman in the years 87 to 89 as seasonal water woman during summer season in the capacity of casual labour. Every year in every season she was called for such employment.

Later on in the year 1990 the applicant refused the regular appointment and requested the authorities for appointment of her son, applicant No.2.

2. In para 4.10 of the reply it is further stated that the case for appointment is more than 5 years old and in the instant case the matter was referred to the General Manager for consideration in accordance with rules. The General Manager rejected the case. The widow of the deceased employee was called for regular employment in class IV category vide order 7.12.89 and she was sent for medical examination wherein she was declared fit vide order dated 29.12.89. But she refused to undertake the employment and requested for offering the appointment to her son, applicant No.2.

3. The learned counsel for the applicant argued that it is the right of the widow to choose the job either for herself or for her son. Since it is a case of death on duty special consideration has to be given and the GM who has been vested with the discretionary powers for such time barred cases should be directed to sanction appointment to the son.

4. The learned counsel for the respondents however argued that the widow had been ~~regularly~~ kept on casual labour job till such time she was offered a regular appointment and such offer was made even before the son became major. Just after the offer of regular appointment applicant No.2 became major in January 1990 and her request for appointment of her son in lieu of her cannot be claimed as a right.

Having heard both the counsels and keeping in view the latest pronouncements by the Hon'ble Supreme Court on the subject of compassionate appointment it will be fit and proper to give a direction to respondents to once again revive the offer of appointment given to applicant No.1, namely the widow of the deceased employee. This may be done on the availability of the first suitable vacancy for the widow in Jhansi Division. The O.A. is disposed of on the above lines. No costs.

P. T. Thiruvenkadam

(P.T.THIRUVENGADAM)
Member (A).