

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 581 of 1996

Allahabad this the 19th day of JANUARY 2001

Hon'ble Mr.S.K.I. Nagvi, Member (J)

1. Premwati, wife of Late Ram Naresh, Ex.Bridge Mistry, aged about 52 years, resident of Quarter No.596-D, Traffic Colony, Nawab Yusuf Road, Allahabad.
2. Smt.Chandrawati, daughter of Late Ram Naresh Ex.Bridge Mistry, aged about 20 years, resident of Quarter No.596-D, Traffic Colony, Nawab Yusuf Road, Allahabad.

Applicants

By Advocate Shri S.S. Sharma

Versus

1. Union of India owning and representing Northern Railway notice to be served to be served to the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Bridge Engineer, Northern Railway, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, Nawab Yusuf Road, Allahabad, R.M. Office, Allahabad.
4. The Dy.Chief Engineer Bridge/Line, Bridge Line Office, Lajpat Nagar, New Delhi.

Respondents

By Advocates Shri Prashant Mathur
Shri Avnish Tripathi

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicant-Smt.Premwati W/o Late Ram Naresh and Smt.Chandrawati-married daughter of Late Ram Naresh have come up impugning annexure A-1 dated 30.9.1995, through which the claim of Smt.Chandrawati for appointment on compassionate ground, on the death of her father-Ram Naresh on 20.11.1992 while in the service of respondents, has been rejected. The applicant has relied on annexure A-4 and A-5, according to which her claim has been upheld by the competent authority in the respondents establishment but, as per impugned order the same has been rejected, which as per applicants is illegal and cannot be sustained. It has also been mentioned that the applicant no.2 Smt.Chandrawati made several representations but, of no avail.

2. The respondents have contested the case and filed counter-reply with the mention that annexures A-4 and A-5 are neither the appointment letters nor amount to approval upholding the claim of the applicant. The misplacement of some words by mistake do not give any right to the applicant to take this letter as appointment letter. It has also been mentioned that the case of the applicant was considered by the competent authority and she was not found entitled for the compassionate appointment.

Scanned

3. Heard Shri S.S. Sharma for the applicants, Shri A. Tripathi for respondent no.3 and Shri Prashant Mathur for respondents no.1, 2 and 4.

4. There is composite counter on behalf of all the respondents. It is quite evident from bare perusal of annexure A-1 that it is a very non-speaking order through which does not contain the required details and the reasons for having reached at the conclusion, as mentioned in this order and, therefore, the same cannot be sustained. Moreover, I am also not in a position to uphold the grounds, as have come up from the side of the respondents to interpret annexures A-4 and A-5 to provide strength to impugned orders rather they are quite divergent to annexure A-1. It has been mentioned on behalf of the respondents that the claim of the applicant ^{could not} cannot be favourably considered because of her being a married daughter of the employee who died in harness and that she was already married when her father died. In reply, learned counsel for the applicants has referred circular dated 03.2.1981 according to which there is no ban for appointment of married daughter on compassionate ground if she is bread winner of the bereaved family.

5. For the above, the impugned order dated 30.9.1995, copy of which has been annexed as annexure A-1, is quashed and the respondents are directed to

....pg.4/-

re-consider the matter of the applicant no.2 for
compassionate appointment and ^{in case the claim of applicant is not acceded} pass detailed, reasoned
and speaking order within 3 months from the date of
communication of this order by the applicant. ^{With copy to applicant} The
O.A. is disposed of accordingly. No order as to costs.

See page
Member (J)

/M.M./