

(22)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

Original Application No. 444 of 1997.

Allahabad, this the 26th day of November, 2002.

HON'BLE MR. M.P. SINGH, A.M.

Iqbal Ahmad Khan  
son of Mohammad Umer Khan,  
Resident of Qazipur, Village  
Magahar, Post Mohanlalpur,  
District Basti.

.....Applicant.

(By Advocate: Sri W.H. Khan)

Versus.

1. Union of India  
through Secretary,  
Ministry of Railways, New Delhi.
2. Maha Prabandhak (Karmik)  
North East Railways,  
Gorakhpur.
3. The Superintendent,  
Printing and Stationary,  
N.E. Railway Press,  
Gorakhpur.

.....Respondents.

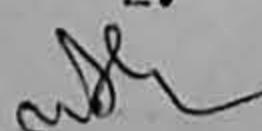
(By Advocate : Sri K.P. Singh)

ORDER

By Hon'ble Mr. M.P. Singh, A.M.

In this O.A., the applicant is challenging the order  
dated 24.09.1996 passed by respondent No.2.

2. The brief facts of the case are that the father of



the applicant who was working as Ticket Printer, in North Eastern Railway, Press, Gorakhpur died in harness on 12.10.1972. At that time, the applicant was minor as his date of birth is 15.3.1967. When the applicant attained the age of majority, his mother moved an application on 07.4.1983 to appoint him on compassionate grounds. The respondents vide letter dated 05.09.1989 had rejected the claim of the applicant. The applicant had then filed an original application in the tribunal as O.A. No.1081/89. The Tribunal vide its order dated 25.11.1992 had directed the respondents to pass a fresh order on merits and in accordance with law. The applicant had sent a representation on 01.06.1993 and thereafter several reminders were sent to the respondents by the applicant. The respondents had rejected his claims by passing the order dated 24.09.1996. Aggrieved by this order, the applicant has filed the present O.A., seeking a direction to set aside the order dated 24.09.1996 and direct the respondents to appoint the applicant on compassionate grounds.

3. The respondents in their counter reply have stated that the application submitted by the applicant for his appointment on compassionate grounds has been examined and reconsidered and it was found that the same does not have any merit and therefore, rejected. The respondents have rejected the claim of the applicant on the ground that the deceased government servant has left behind 5 sons and 3 daughters. First 3 sons are already employed: first one is a Motor Driver and second being Advocate and third one as Khalasi. The case for compassionate appointment of Mohd. Vaipholvara was considered but the case was rejected on the ground that

*[Signature]*

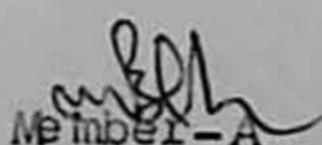
his 3 brothers are already employed. According to the respondents, a long period of 30 years had passed since the death of deceased Government Servant and 4 sons, out of 5 of the deceased Government Servant are already in employment and therefore, there is no ground to consider the appointment of his 5th son on compassionate grounds. The O.A. has no merit and is liable to be dismissed.

4. None is present for the applicant. Heard, the learned counsel for the respondents.

5. It is an admitted position that the father of the applicant died on 12.10.1972 i.e., about 30 years ago. The main purpose for granting financial assistance and considering one of the family members for compassionate appointment is to save the family from distress and from becoming vagrant. In this case, I find that 30 years have already passed since the death of the father of the applicant and the family has sustained all these years. Out of 5 sons, 4 sons are already in employment. I find no merits for interference in the order dated 24.09.1996 passed by respondents.

6. For the reasons recorded above, O.A. has no merit and is accordingly dismissed.

No order as to costs.

  
Member-A

Manish/-