

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 22nd day of May 2002.

Original Application No.883 of 1997.CORAM :-Hon'ble Mrs. Meera Chhibher, J.M.

Raja Beti Widow of Babu Lal Mangalia,

C/o Sri Gopal Das Dahalwar,

Resident of House No.216, Isayi Tola,

Prem Nagar, Jhansi.

(Sri A.S. Diwaker, Advocate)

. Applicant

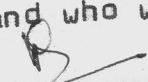
Versus

1. Union of India through Secretary
Ministry of Railways, Baroda Bhawan,
New Delhi.
 2. Divisional Railway Manager(P), Jhansi.
 3. Divisional Railway Manager(Works), Jhansi.
- (Sri AK Gaur, Advocate)

. Respondents

O R D E RBy Hon'ble Mrs. Meera Chhibher, J.M.


By this DA the applicant has claimed a direction to the respondents to appoint Daya Nand in Railway Service on compassionate ground so that he may support her.

2. The brief facts as narrated by the applicant are that the applicant's husband Late Babu Lal Mangalia was working as a Class IV employee with the respondents and had disappeared on 27-8-1988. After the search made by the petitioner, he could not be traced. A FIR was lodged on 15-11-1992. Presuming Babu Lal as dead the applicant was given the PF, wages, insurance etc. as widow of Babu Lal. By an application dated 24-4-1995 she requested the authorities to give compassionate ground appointment to Daya Nand who was her nephew as being
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the nearest relative and who was looking after the applicant. The said request was rejected by the respondents on 2-10-1995 on the ground that there was no adoption deed being executed in accordance with law. The present OA is based on two grounds. Firstly, that the son should not be defined as literal sense of the son used in general vocabulary but would include even foster son and any person so long as he is taking care of the widow because the purpose of giving compassionate appointment is to see that the widow survives in a reasonable and decent manner. The second ground is that since Daya Nand being nephew of the applicant was nearest relative, therefore, he should have been given compassionate appointment.

3. I have heard both the counsel for the parties and perused pleadings as well. It would be relevant to refer to the application filed by the applicant herself to the respondents which is on Page 12 of the OA wherein the applicant had categorically stated that Daya Nand who was her sister's son and is the nearest relative is Class VIII pass and whose date of birth is 01-1-1976 and is looking after her may be given the compassionate appointment. A bare perusal of her application shows that the applicant had nowhere mentioned Dayanand to be either her foster son or his adopted son but the only reason given was that since he is the nearest relative, therefore, he may be given compassionate appointment. Since this point had already been clarified by the Railway Board long back and the nearest relating category was deleted by the Railway Board on the basis of ~~a judgement~~ the judgement given by the Hon'ble Supreme Court. Learned counsel for the applicant has not pressed on this ground at all. He, however,



(2)

submitted that for the purposes of compassionate appointment the compass of the ^{word B} ~~compass~~ family must be interpreted in ^{such B} ~~the~~ manner so as to include any person who is stated to be adopted by the widow as per the circumstances and there is nothing to stress on the adoption deed as that is only a procedural method of saying that a particular child has been adopted. In this connection the respondent's counsel has drawn my attention to the Railway Board letter dated 26-5-1988 filed as Annexure-R-1 which categorically clarifies that compassionate appointment can be considered for adopted son or adopted daughter only in the case when the following conditions are satisfied, namely;

- (i) There is satisfactory proof of adoption valid legally.
- (ii) The adoption is legally recognised under the personal law governing the railway servant.
- (iii) The legal adoption process has been completed and has become valid before the date of death/medical decategorisation/medical incapacitation (as the case may be) of the ex-employee.

4. This letter issued by the Railway Board has not been challenged by the applicant and it goes without saying that so long as the instructions/~~are~~ guidelines are laid down by the Railway Board as to how such cases should be dealt with, definitely such cases can be decided only within the parameter of these instructions. In the instant case admittedly there was no adoption deed produced by the applicant showing that Dayanand was adopted son of the applicant and Shri Babu Lal. Therefore, naturally the applicant's case requesting for grant of compassionate



appointment in favour of Daya Nand does not come within the guidelines laid down by the Railway Board. As such, there is no illegality in the orders passed by the respondents rejecting the request of the applicant for grant of compassionate appointment in favour of the applicant's nephew.

5. In view of the above discussion, I do not find any reason to interfere in the matter and the DA being devoid of merit is rejected. There shall be no order as to costs.



Member (J)

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