

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH, ALLAHABAD

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Allanabad : Dated this 4<sup>th</sup> day of January, 2001

Original Application No.344 of 1998

CORAM :-

Hon'ble Mr. Rafiquddin, J.M.

1. Smt. Phool Kumar W/o Late Snyam Lal.
2. Shri Rajesh Kumar S/o Late Snyam Lal,  
Both residents of 81/1-V, Muir Road,  
Allahabad.

(Sri C.P. Gupta, Advocate)

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Versus

1. Union of India through General Manager,  
North Central Railway, Allanabad.
2. Divl. Railway Manager, Northern Railway,  
Allanabad.

(Sri G.P. Agrawal, Advocate)

• • • • • Respondents

O\_R\_D\_E\_R

By Hon'ble Mr. Rafiquddin, J.M.

By means of this OA, the applicant seeks a direction to the respondents to appoint applicant no.2, Shri Rajesh Kumar on compassionate ground on a suitable post as per Railway Board's circulars.

2. The relevant facts of the case are that one Mr. Devendra Kumar, who was working as Fireman 'C' under Loco Foreman, N.Rly. Allanabad died in harness on 19-4-1992 as bachelor. Applicant no.1 is the <sup>ed</sup> widow mother of the deceased Devendra Kumar and applicant no.2 is the younger brother of the said Late Devendra Kumar. It is stated

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the family left by Late Shyam Lal, the father of the deceased Devendra Kumar, and applicant no.2, came on the shoulder of Late Devendra Kumar and there was no other source of livelihood for the family. Hence, after the death of Devendra Kumar, applicant no.2, the wedowed mother of Late Devendra Kumar wrote a letter <sup>Seeking</sup> on 01-12-1993 to the respondents ~~for~~ appointment of applicant no.2 on compassionate ground. Since the ~~xx~~ respondents have failed to give compassionate appointment to applicant no.2 in response to the representation of applicant no.2, the present OA has been filed for the relief mentioned above.

3. I have heard counsel for the parties and perused the record.

4. It has been specifically admitted by the applicant vide para 4.7 of the OA that there is no policy framed by the Railway Board providing compassionate ground appointment to the dependents of deceased employees who died unmarried. It is, however, claimed that such types of cases were governed as per pass rules. Learned counsel for the respondents have brought to my notice the order dated 20-5-1993 (Annexure-CA-3) whereby the representation of the applicant no.1 dated 16-5-1992 <sup>Seeking</sup> ~~for~~ appointment of applicant no.2 on compassionate ground has been rejected stating that there is no provisions <sup>in</sup> ~~of~~ rules providing appointment to the dependents of an unmarried Railway employee. Learned counsel for the applicant has, however, made attempt to seek relief on the basis of circulars dated 8-10-1995, 4-9-1996 and 2-5-1997 (annexures-A-5, 3 & 4) issued by the Railway Board in which it has been clearly mentioned that since under the existing scheme of appointment on compassionate ground, there is no specific

provision for considering appointment of dept Railway employees who died as Bachelor or spinst cases of dependents of such bachelors/spinters may be considered on case to case basis with certain cond. However, these circulars are of not of any help to the applicant because these circulars have been issued subsequent to the year, 1993 when admittedly there was no provision for considering the cases of dependents of unmarried employees.

5. Learned counsel for the applicant has also not been able to show that prior to 1995 or 1993 there was any such provision for giving appointment on compassionate ground to the dependents of unmarried employees under ~~pass~~ rules. <sup>for providing appointment on compassionate ground</sup> In the absence of any rule at the relevant time, no direction can be issued to the respondents to reconsider the case of the applicant. The OA is devoid of any merit and the same is dismissed with no order as to costs.

*Rajivuddin*  
Member (J)

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