

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.60 of 2005

Allahabad, this the 19th day of July, 2007

Hon'ble Mr. K.S. Menon, Member-A

1. Smt. Chitoni Devi W/o Late Ram Kripal, aged about 61 years, resident of village Agiyona, Post Krari Tehsil-Manjhanpur, Distt. Kushambi.
2. Smt. Urmila Alias Shanti Devi, Wife of Late Lakhan Lal son of Late Ram Kripal (Address as above), aged about 34 years.

...Applicants.

(By Advocate : Shri S.S. Sharma)

Versus

1. Union of India through the General Manager, Northern Railway Headquarters Office, Baroda House, New Delhi.
2. The General Manager, Northern Railway Headquarters Office, Baroda House, New Delhi.
3. The Divisional Railway Manager, Northern Railway, DRM Office, Lucknow.
4. The Dy. Chief Engineer (Constn.), North Central Railway, Allahabad.

.Respondents

(By Advocate : Shri P. Mathur)

O R D E R

Learned Counsel for the applicant states that the applicant No.1 is the legal widow of Late Ram Kripal who died in harness on 2.11.2003 while working as permanent Way Mate under Deputy Chief Engineer (Construction), N.C. Railway, Allahabad. Smt. Chitoni Devi has prayed that appointment on compassionate ground may be given to Applicant No.2 i.e. Smt. Urmila alias Shanti Devi who is the legal widow of Late Lakhan Lal son of deceased employee Late Ram Kripal. He says that a representation was made to the respondent No.4 which is received in the Office of respondents on 23.1.2004 but the

*[Signature]*



representation was not considered by the Competent Authority and was rejected by the Senior Section Engineer, N.C. Railway on behalf of the Deputy Chief Engineer (Construction). Learned counsel for the applicant further states that the respondents have challenged the eligibility of the Daughter-in-law for grant of compassionate appointment. Being aggrieved by the fact that the representation of the applicant was not dealt with in proper manner, this OA was filed.

2. Learned counsel for the respondents states very clearly that Daughter-in-law of a deceased Government employee is not eligible for grant of compassionate appointment in terms of Railway Board Master Circular No.16. The Railway Board letter dated 9.5.1996 in which the Ministry of Personnel, Public Grievances & Pensions' office memorandum No.14014/20/90-Estt.(D) dated 9.12.1993 has been modified to show that near relatives of deceased employees have been deleted and <sup>as &</sup> such they are not eligible for compassionate appointment. The Railway Board has adopted DOPT instructions dated 9.12.1993, which they have incorporated in their circular dated 9.5.1996. Learned counsel for the respondents has filed the counter stating as per the modification in Railway Board letter dated 9.5.1996 compassionate appointment, can be given only to family members and not near relatives.

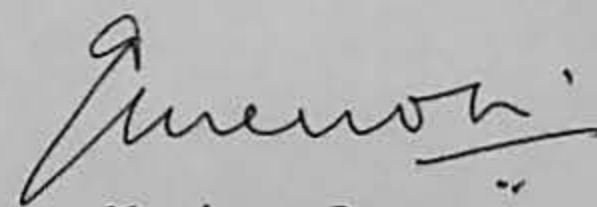
3. The main grievance of the learned counsel for the applicant is that his case has not been considered in depth by the Competent Authority.

4. After hearing the arguments and submissions made by the counsel for both the parties, I am of the view that in the interest of justice, the case may be decided by the D.R.M., Northern Railway,

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Lucknow where the applicant has a lien by virtue of his initial engagement. The respondent No.4, is therefore, directed to treat the OA as a representation of the applicant and forward the same within a period of three months alongwith his comments/opinion being Head of Department to the D.R.M., Northern Railway, Lucknow. The D.R.M., Northern Railway, Lucknow will pass a reasoned and speaking order within a period of three months from the date of receipt of copy of the representation/OA from the Deputy Chief Engineer(Construction), N.C. Railway, Allahabad.

5. The OA is accordingly disposed of with no order as to costs.

  
Member-A

RKM/