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**Reserved**

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

**Original Application No. 924 of 2005**

\_\_\_\_ day, this the 5 day of June 2007

**Hon'ble Mr. K.S. Menon, Member (A)**

1. Smt. Makhaniya aged about 54 years Wife of Late Shri Harjoo (ex YKC Loco Shed, Jhansi) resident of 505 Tal Mohalla, Jhansi.
2. Nawal Kishore aged about 32 years son of Late Shri Harjoo, resident of 505 Tal Mohalla, Jhansi.

**Applicants**

**By Advocate Sri R.K. Nigam**

**Versus**

1. Union of India through General Manager, North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Jhansi.

**Respondents**

**By Advocate Sri S.S. Agnihotri**

**O R D E R**

**By K.S. Menon, Member (A)**

By this O.A. the applicant No.1 is seeking relief praying that this Tribunal directs the respondents to consider the case of compassionate appointment in favour of respondent No.2 vice his father Shri Harjoo who died in harness on 28.11.1979 while working as YKC in Loco Shed, Jhansi.

2. The facts of the case in brief are as under: -

Shri Harjoo-husband of applicant No.1 while working as YKC in the Loco Shed at Jhansi died on 28.11.1979. He was survived by his widow (Applicant No.1), unemployed son (Applicant No.2) and two unmarried daughters. On the death of her husband,

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applicant No.1 submitted an application seeking compassionate appointment for her second son (applicant No.2). It appears that the respondents carried out certain investigations/verifications after which General Manager, Central Railway, Mumbai sanctioned the compassionate appointment and directed Divisional Railway Manager, Central Railway, Jhansi to appoint the applicant No.2 in the Group 'D' category vide his letter HPB/70G/T/D/8/cases dated 30.07.1985. Copy of this letter has however not been annexed by the applicants. The matter had been under protracted correspondence with Divisional Railway Manager, Central Railway, Jhansi. No action was however taken by Divisional Railway Manager, Central Railway, Jhansi. The applicants sent a representation to General Manager, Central Railway, Mumbai again on 14.09.1990 only to be told that further action was to be taken by Divisional Railway Manager, Central Railway, Jhansi. The applicants thereafter made several representations to Divisional Railway Manager, Central Railway, Jhansi with no results. The applicants then met the Assistant Personnel Officer at Divisional Railway Managers Office at Jhansi and were informed that since the new N.C. Zonal Railway Office was formed w.e.f. 01.04.2003, a fresh sanction from General Manager, North Central Railway would be required. The applicants therefore submitted an application to General Manager, North Central Railway, Allahabad and met the Senior Personnel Officer concerned who informed that the previous sanction accorded by General Manager, Central Railway, Mumbai was valid and no new sanction was required. The applicants submitted further applications to respondent No.2 on 05.11.2003 and 27.09.2004 which are still pending hence they have approached this Tribunal with this O.A. seeking relief.

3. The respondents vehemently deny the averments made by the applicants. Firstly they maintain that the deceased employee was survived by his widow, two sons, one married daughter, two unmarried daughters and not what is stated in the O.A. Respondents agree that General Manager, Central Railway, Mumbai accorded sanction for compassionate appointment to

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applicant No.2 but subject to him passing class VIII within a year, failing which his services would be terminated. Subsequent verification of his educational certificates submitted by applicant No.2 showed different dates of birth viz. 01.07.1962 in the High School marks sheet, 05.07.1962 in the class VII failed TC and 05.07.1963 in the class VIII failed TC. The respondents further submit that after the intimation given to the applicants regarding their case on 29.10.1987, copy placed as C.A.-5, no representation dated 14.09.1990, 05.01.2003, 03.08.2003 and 05.11.2003 was ever received, by the respondents. The applicants have also failed to show that the representations were served on the respondents. Respondents, therefore, maintain all the above submissions are frivolous and have been made to overcome the limitation aspect which cannot be condoned and on this ground the O.A. deserves to be dismissed.

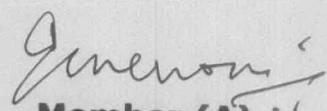
4. Heard Sri R.K. Nigam, learned counsel for the applicant and Sri S.S. Agnihotri, learned counsel for the respondents, and perused the pleadings on record.
5. Admittedly the compassionate case of the applicants were sanctioned by the General Manager, Central Railway, Mumbai vide his letter No. HPB/70G/T/D/8/cases dated 30.07.1985 with a condition that the applicant No.2 should pass VIII<sup>th</sup> class within a year otherwise his services were liable to be terminated. Based on the various certificates submitted by the applicant No.2 it was seen that different dates of birth had been reflected in the application for compassionate appointment. The learned counsel for the applicants state that even if there is a doubt, the date of birth given in the High School certificate should have been adopted and cognizance of having passed VIII<sup>th</sup> class should have been taken. The applicants have, however, not been able to clearly establish as to why they did not challenge or represent against the Order of rejection of their case dated 29.10.1987 immediately and why it took them more than 17 years to approach this Tribunal.

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6. It is reasonable to believe that once a sanction for compassionate appointment has been given by the competent authority of an erstwhile Zonal Railway, it would be honoured by the newly formed Zonal Railway. However, the new Zonal Railway was formed after 18 years of the sanction accorded by the erstwhile zonal railway. It appears that the subordinate office of Divisional Railway Manager, Central Railway, Jhansi carried out the verification of the applicants particulars and rejected the case and informed the applicants on 29.10.1987. The applicants who have claimed to have made representations to various authorities (receipt of which have been flatly denied by the respondents) have not challenged the date of birth issue at all in any of these representations. I cannot but help get the feeling that the rejection of their case was accepted by the applicants but they decided to revive the matter after formation of the new North Central Railway in 2003 and that too two years later in July 2005.

7. In view of the above, I am of the opinion that the applicants have not made out a case on merits, which would justify the relief prayed for in the Original Application.

8. The O.A. is, therefore, dismissed on merits. No order as to costs.

  
**Member (A)**

/M.M./