

Open Court**CENTRAL ADMINISTRATIVE TRIBUNAL****ALLAHABAD BENCH****ALLAHABAD.**Allahabad this the 6th day of August, 2021**Original Application No.330/1053/2018****Hon'ble Mr. Tarun Shridhar, Member (A)**

Km. Rupamani, aged about 28 years,
 D/o Late Lajee, Resident of Amoghpur, Mugalsarai,
 District-Mugalsarai, District-Chandauli.

. . .Applicant

By Adv : Shri Anil Kumar

V E R S U S

1. Union of India through General Manager, Eastern Central Railway, Hajipur (Bihar).
2. The Divisional Railway Manager, Eastern Central Railway, Mugalsarai.
3. S.S.E.(Electrical) Diesel Shed ECR/Mugalsarai.
4. Sr. Divisional Personnel Officer ECR/Mugalsarai.
5. The Senior DME (DSL) E.C. Railway Mugalsarai.
6. Smt. Chanchala Devi wife of Sri Ramesh Kumar.
7. Chandra Mani Devi wife of Vinod Kumar both residents of Mankapura, Kera Magraur, District-Chandauli.

. . .Respondents

By Adv: Shri Navin Chandra Srivastava.

O R D E R**By Hon'ble Mr. Tarun Shridhar, Member (Administrative)**

1. I have joined this Bench online through video conferencing facility.
2. Shri Anil Kumar, Id. counsel for the applicant is present online through video conferencing and Shri Navin Chandra Srivastava, Id. counsel for the respondents, is present in court.

3. Learned counsel for the applicant vehemently argues that a very genuine and deserving claim of the applicant for appointment on compassionate grounds in lieu of her father who was the late employee of the respondents has been rejected on account of wrong facts, misleading information and as an incorrect perception of her situation and circumstances. He draws attention to certain documents to establish that the applicant, as per the will of the deceased employee, is the legal heir of the deceased employee and hence all the benefits of his government service should naturally flow to her. He also points out that vide the impugned order the authority have rejected her claim by making a reference to the LARSGESS scheme wherein she has submitted an application for compassionate appointment under the provisions of appointment on compassionate grounds. This she seeks as her father died in harness. He pleads that the different documents she has submitted in support of her claim especially in respect to her unmarried status, should be taken on record and re-examined by the respondents while taking a considered decision.

4. Learned counsel for the respondents, on the other hand, points out that the claim of the applicant has been fairly decided after a thorough enquiry wherein certain facts contrary to the claim of the applicant have come to notice especially her marital status wherein the enquiry conducted by them indicates that she is married and hence she is not entitled for appointment in government on compassionate grounds.

5. Learned counsel for the applicant challenges this inference and vehemently states that the inference drawn in the enquiry is not based on facts and is far removed from the reality; and perhaps on account of certain local prejudices people may have given wrong information.

6. Without going into the merits of the case at this stage especially because the whole case depends on facts, it would be appropriate to issue a direction to the respondents, specifically to respondent number 4, to have a relook at the claim of the applicant without any preconceived ideas or bias to establish the correctness of the facts. The documents and evidence furnished by the applicant may also be given due weightage during such an enquiry. Needless to mention that the respondents shall take an objective and fair view keeping in mind that compassion is the guiding principle for appointment under this scheme.

7. The respondents are also directed to provide an opportunity to the applicant to submit fresh representation or additional documents if she so desires.

8. This Original Application (OA 1053/2018) may also be considered to be a part of the representation of the applicant while taking a decision in this matter. I reiterate that I have made no comments on account of merits or the genuineness of the claim of the applicant. The direction is limited that the respondents will take a fresh decision in the matter after reconsidering all the facts and circumstances and also give a fresh opportunity to the applicant if she wishes to avail it. The above directions be complied with within a period of 8 weeks from the date of receipt of a certified copy of this order.

9. The O.A. is disposed of with the above directions.

10. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

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