

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.210/230/2021

Dated this Tuesday, the 16th day of March, 2021

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)

**Proceeding conducted through video conferencing with
the consent of applicant's counsel.**

Shri Raj Dattu Gaikwad, Age 27 yrs.,
S/o late Smt. Sanjani Dattu Gaikwad, Ex-Safaiwali
under Chief Medical Supdtt. C. Rly. Hospital of Pune Division
at Pune 411 001.

R/o Railway Quarter No.RB I Building No.563, Room No.7,
13, Tadiwala Road, Pune 411 001. - Applicant
(By Advocate Shri D.N.Karande)

Versus

1. Union of India, through the General Manager, Central Railway,
2nd Floor of GM's Office Building, CSMT, Mumbai 400 001.
2. Chief Personnel Officer, Central Railway,
1st Floor of GM's Office Building, CSMT, Mumbai 400 001.
3. Divisional Railway Manager, Central Railway,
Pune Division, Pune 411 001.
4. Chief Medical Supdtt., Central Railway Hospital,
Pune Division, Pune 411 001.
5. Sr. Divisional Personnel Officer, Central Railway,
DRM's Office, Pune 411 001. - Respondents

ORAL ORDER

Present:

Advocate Shri D.N.Karande for the applicant.

Heard the applicant's counsel.

2. In this OA, the applicant has challenged the reply of Divisional Office, Personnel Department, Central Railway, Pune dated 20.01.2021 rejecting his request for appointment on compassionate ground in view of death of his mother late Sanjani Dattu Gaikwad, ex-Safaiwali working with CSI, Pune. It has been mentioned in the impugned letter

that there was no dependent of the deceased employee to be taken care of as the applicant had not owned responsibility to take care of his deceased mother when she was alive and she did not bring at anytime on her service record about adoption of the applicant by her nor she availed of any benefit from the Railways for the applicant as her adopted son. It was further stated that report of the Welfare Inspector also proved that the applicant lived with his biological parents, one of whom is also a Railway employee.

3. From perusal of the OA and submissions of the applicant's counsel, it is revealed that the applicant's father was working as Pointsman at Khadki Station and expired on 07.06.2000 while in service. After that his wife i.e. Sanjani Dattu Gaikwad was provided employment on compassionate ground as per the order of the respondents dated 09.08.2000. Subsequently, late Sanjani Dattu Gaikwad also expired on 05.09.2017 while still in service. Therefore, the applicant seeks appointment on compassionate grounds in view of his father's death while in service.

4. Although the respondents in their impugned letter have mentioned that late Sanjani Dattu Gaikwad did not bring on her service record during her service period adoption of the applicant by her, in the OA there is a copy of an Adoption Deed dated 31.05.2000 and also a copy of Succession Certificate dated 30.12.2019 issued in favour of the applicant by 13th Joint Civil Judge, Senior Division, Pune stating that he is entitled to receive settlement dues of late Sanjani Dattu Gaikwad i.e. amount of P.F., Gratuity, GIS, etc totalling to Rs.9,40,311/-But other contentions mentioned in the impugned letter of the respondents have not been rebutted by the applicant's counsel.

5. From the contents of this OA thus it is clear that after the death of ex-employee late Shri Dattu Genu Gaikwad on 07.06.2000, his family was helped by the respondents as his wife late Sanjani Dattu Gaikwad was provided employment on compassionate ground by order of 09.08.2000 and she remained in service for 17 years. After the death of late Sanjani Dattu Gaikwad on 05.09.2017, the applicant has also

received family pension as per his entitlement and as per the Succession Certificate he has received an amount of Rs.9,40,311/- as her settlement dues. Thus, the present application seeks relief for the same family for the second time on the compassionate ground in view of his father's death in year 2000, that too in spite having received family pension and a sizeable amount of settlement dues. The appointment on compassionate ground can be granted only once and in close proximity to the death of the ex-employee which was already done in this case. Therefore, such appointment cannot be granted for second time to a member of the same dependent family of late Shri Gaikwad. This OA is thus an attempt of unlimited greed by the applicant.

6. In view of these facts of the case and the relevant stipulations for compassionate appointments in DOPT OM of 16.01.2013 and the criteria for deciding such cases evolved in various Supreme Court decisions on this subject, I find absolutely no merits in this OA for admitting it for adjudication. Therefore, it is dismissed at admission stage. No costs.

**(Dr. Bhagwan Sahai)
Member (Administrative)**

kmg*

