

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00229/2021

Date of Order : 07.04.2021

C O R A M

HON'BLE MR. M.C.VERMA..... JUDICIAL MEMBER
HON'BLE MR. SUNIL KUMAR SINHA, ADMINISTRATIVE MEMBER



Bilkish Bano, aged about 47 years (Female), D/o Late Khatoon Nisha, R/o Jalmuddin Chak (Goraua), Mushhari Gali, Road No. 1, P.S.-Shahpur, P.O.-Khagaul, District-Patna. PIN-801105, Mob. No. 9386801630. Sadan 511985@Gmail.com.

..... Applicant.

- By Advocate : Shri R.N.Tiwarey.

-Versus-

1. The Union of India through the General Manager, E.C. Railway, Hajipur. AT + PO-Hajipur, District-Vaishali (Bihar), PIN-840101.
2. The Divisional Railway Manager, E.C. Railway, Danapur. AT & PO-Danapur, District- Patna, Pin-801105.
3. The Senior Divisional Personnel Officer, E.C. Railway, Danapur, Pin-801105.
4. The Divisional Railway Manager (Personnel), E.C. Railway, Danapur, Pin-801105.

..... Respondents.

By Advocate :- Shri S.K.Ravi, ld. SC

O R D E R (ORAL)

M.C.Verma, Member (Judl.)

1. Being aggrieved by order dated 03.12.2019 passed by DRM (P), E.C. Railway, Danapur, whereby claim of the applicant for appointment on compassionate ground has been rejected, instant OA has been preferred. The applicant is the step daughter of the deceased employee, namely Khatoon Nisha. The OA is at notice stage hearing

and having received advance copy of the OA Shri S.K.Ravi, ld. SC has appeared for the respondents.

2. Heard. Learned counsel Shri R.N. Tiwary, appearing for the applicant urged that the order passed by respondents authority is contrary to law, that the deceased employee was issue less and hence had to be treated as bachelor and that appointment on compassionate ground of the applicant had to be considered by the respondents authority. He placed reliance on Annexure A/11, which is the copy of extract of some book, titled Railway Establishment and Labour Law, wherein it is mentioned that the candidate proposed for appointment be the dependent on the ex employee as per Pass Rules and that the dependent member of the family covered under pass rules is eligible.

3. Learned counsel Shri S.K. Ravi, who appeared for the respondents vehemently opposed the maintainability of the OA submitting that applicant is the step daughter of the deceased employee and as per provisions for compassionate appointment in Railway, contained in Master Circular 16, step daughter is not eligible for compassionate appointment. He referred the impugned order and also argued that applicant otherwise was not fulfilling the eligibility criteria for compassionate appointment as she does not possess the minimum educational qualification as well.

4. Considered the submissions. Needless to say that record reveals that previously applicant did prefer OA No. 309/2019 and in that OA, it was directed to the respondents by this Tribunal to pass appropriate order regarding appointment of applicant on compassionate ground



and pursuant to that impugned order of instant OA has been passed.

The impugned order is comprehensive one and relevant portion of the same verbatim is quoted herein below :-

“(a) *The applicant, admittedly, is the step daughter of the deceased employee namely Khatoon Nisha. As per provisions for compassionate appointment in Railways, contained in Master Circular 16, the son, daughter, widow/widower of the deceased employee are eligible for compassionate appointment. As per the said Master Circular, Son/Daughter also includes adopted son/daughter. However, in absence of any specific provision, the step son/daughter of deceased employee cannot be held entitled for appointment on compassionate ground. It is mentioned further, that a step mother is a distinct and separate entity and cannot be equated with the natural mother also has given birth to the child. The applicant herein is neither the natural daughter of the deceased employee nor has she been adopted by her. Thus, her claim for appointment cannot be considered.*

((b)) *Apart from the reason assigned hereinabove, the applicant does also fall to fulfil the eligibility criteria for her appointment, as she doesn't possess the minimum educational qualification required for being considered for appointment in Railway. As per the criteria in vogue, the minimum educational qualification for appointment in Railways is Matriculation. However, the applicant, as per the documents submitted by her, has the qualification of 9th pass only which is much below the required qualification. Her claim, therefore, on this score miserably fails and deserves to be rejected.*

In view of the aforesaid facts related to the claim of the applicant, she lacks in all essential qualifications/conditions for being considered for compassionate appointment. Hence, her claim for same cannot be entertained.”

5. It is not disputed that applicant is the step daughter of deceased employee. As per provisions relating to compassionate appointment it is the son, the daughter, the widow or widower, who were dependent on deceased employee are eligible for appointment on



compassionate ground. There is no mention of eligibility of step daughter for appointment on compassionate ground. Virus of the Policy/Rules in force in Railway for appointment on compassionate ground has not been challenged in instant OA.

6. Opportunity was given to learned counsel for applicant to show that step daughter can be appointed on compassionate ground but he merely referred Annexure A/11 and submits that applicant had to be considered for appointment.

7. Apparently applicant, being the step daughter is not falling within the eligibility criteria for appointment on compassionate ground and thus it would only be a futile exercise to enter into intricacy whether applicant possess or not the minimum educational qualification. The OA being devoid of merit deserve dismissal and accordingly is dismissed.



Sd/-
[Sunil Kumar Sinha]
Member (A)

Sd/-
[M.C. Verma]
Member (J)

Pkl/