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CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

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Registration O.A.No. 73 of 1987

Zamil Ahmad . . .vs. . . The Railway Board, through its
Chairman, Railway Bhawan,
New Delhi and another.

Hon'ble Justice Shri G.Ramanujam, Vice Chairman.

Hon'ble Shri Ajay Johri, Member(A).



(Delivered by Hon. G.Ramanujam, V.C.)

By means of this application under Section 19 of the Administrative Tribunals Act (XIII of 1985) the applicant prayed for a direction to the respondents to appoint him on compassionate grounds in Central Railway in Class III 'Group-C' post with retrospective effect with all fringe benefits.

The circumstances, in which the applicant came forward before this Tribunal by means of this application, may briefly be noted as under:


Applicant's father Abdul Aziz died while in harness in the year 1970. He was serving in a Class III post under the Central Railway. At the time of death of his father the applicant was a minor and he attained majority only in the year 1981. After attaining majority the applicant

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 moved an application seeking appointment on compassionate ground. Though that application was recommended by the Divisional Railway Officer, the same was not considered favourably by the General Manager, Central Railway, Bombay VT, who is the competent authority and ^{who} is 2nd respondent before us. The applicant has, therefore, approached this Tribunal with this application praying for a direction to the respondents to consider the applicant for appointment to a Class III post on compassionate ground.

Learned counsel for the applicant has brought to our notice the guidelines issued by the Railways for appointment of children of the deceased employees on compassionate ground. In these guidelines which are contained in Railway Board's letter dated 18.4.1985 (photocopy enclosed as Annexure-II to the application) it is seen that originally an application for appointment on compassionate ground could be made within five years from the date of death of the parent; subsequently the policy has been changed ~~from~~ ⁱⁿ 1980 and the period has been extended to ten years. In this case, according to the applicant, the period of 10 years is exceeded only by a year and, therefore, the General Manager has got the discretion to relax ^{the} ten years rule. Learned counsel for the applicant further points out that ^{the} power to relax





the ten years rule can be exercised by the Railway Board and in this case the General Manager instead of rejecting the application could have forwarded the same to the Railway Board so that the latter in its discretion condone the time limit in ~~moving~~ *filing* the application ~~by the applicant~~ for appointment on compassionate ground. He vehemently contends that it is a hard case where the child of the deceased employee, for whose benefit the rules provide for appointment on compassionate ground, is practically losing the benefit not because of his own conduct but because of the fact that he was a minor at the time of his father's death and he attained manority only after 11 years after the death of his father and, since the circumstances were beyond his control and he could not make the application within ten years as he was a minor, the rules should be relaxed in such a manner by either the General Manager or the Railway Board so as to enable the applicant to get the benefit of compassionate appointment.

However, we are not in a position to accept the contention of the learned counsel. In view of the guidelines referred ^{to about} ~~by the learned~~ ~~counsel~~ dealing with appointment on compassionate ground, the time limit prescribed in the guidelines should be adhered to, except in cases where the Railway Board or the General Manager in their

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discretion relax the rule. We find that in the guidelines the General Manager has no power to relax the ten years rule which has been introduced in place of earlier five years rule. The guidelines specifically say that cases to be considered for compassionate appointment cannot be more than ten years old as reckoned from the date of the death. In this case applicant's father died in the year 1970 and the applicant put forward an application for compassionate appointment only in the year 1981. Thus, though the applicant would say that he exceeded ~~only one year in~~ ^{the} 10 years rule, ^{only by an year} we cannot say that the General Manager can exceed ~~in~~ his powers in considering the application on the ground that it is belated. So long as the General Manager, the 2nd respondent, has stuck to the guidelines issued by the Railway Board, we cannot say that he has acted contrary to the guidelines issued by the Railway Board.

It is true that applicant's case is a hard one, but that will not enable the General Manager to bypass the guidelines with a view to help the applicant. We are not in a position to hold that the impugned order of rejection of the application of the applicant on the ground of ten years rule is illegal or void on any tenable ground.

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This application is, therefore, dismissed.
However, we may say that rejection of this application will not prevent the applicant approaching the Railway Board for any relief that he may choose to ask, and the Railway Board ^{from} considering the said application on merits ~~and~~ without reference to the observations made by us above.

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Vice Chairman.

February 17, 1987.

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Member (A).