

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

Allahabad this the 18th day of October 1995.

Original Application no. 1802 of 1992.

Hon'ble Mr S.Dayal, Administrative Member.

Arvind Kumar Dubey, S/o Late Ram Tap Dubey, A/a 24 Years
R/o 2/AB Railway Colony, Ahraura Road, Mirzapur.

. Applicant.

C/A Sri Satish Dwivedi.

Versus

1. Union of India, through General Manager,
Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway,
Allahabad.

. Respondents.

C/R Sri A. Sthalekar.

ORDER

Hon'ble Mr S.Dayal, Member-A.

This is an application under Section 19 of the
Administrative Tribunals Act, 1985.

2. This application seeks the relief of direction
to the respondents to appoint the applicant on compassionate
ground and also prays for award of cost of this proceeding.
3. The facts as given in the application are that

applicant's father Shri Ram Tap Dubey was working as a permanent chowkidar under Inspector of Works, Mirzapur. He died in harness on 2.3.80. The applicant was a minor at that time. The applicant passed High School in 1985 and Intermediate examination in 1988. He made a representation dated 20.1.87 to the respondents after attaining majority for compassionate appointment. He claims to have followed it up by representations and reminders on 15.10.87, 12.8.88, 15.12.88, 18.5.89, 17.10.89, 15.3.90, 16.9.90, 22.3.91, 22.10.91, 12.7.92 and 20.8.92. He has not received any reply.

4. The arguments of Shri Satish Dwivedi, learned counsel for the applicant and Shri Amit Stalekar, learned counsel for the respondents were heard.

5. The first issue raised by the counsel for the applicant in his application is that the respondents are bound to appoint the applicant on compassionate grounds and he has during arguments cited the authority of Annexure CA I. Annexure CA I states that a ward of a casual labour dying in harness can be appointed by General Manager as a casual labour (fresh face) if the case is one of extreme hardship. Admittedly, this is not the case here as the family has survived for fourteen years after the death of the breadwinner. The respondents have stated in their Counter reply that the deceased employee was only a non-panelled C.P.C. employee. The provisions for giving employment to the wards/widows of such an employee came into effect from 31.12.86 in case the death was due to natural causes and the ward of an employee who died in 1980 can not be

considered for compassionate appointment in 1992 as there would be cases of compassionate appointment appointing immediate help before the authorities regarding dependents of employees who died recently.

6. The second issue is that the respondent has been discriminated against in comparison to others who were given compassionate appointments in similar cases. No such cases have been cited in the application or in Counter reply.

7. The application clearly lacks merit in view of the analysis in the preceding two paragraphs. It is, therefore, dismissed.

8. There shall be no order as to costs.

Member-A

Compared
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19/12/95