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CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Original Application No. 1832 of 1993

Allahabad this the 12<sup>th</sup> day of July 1995

Hon'ble Dr. R.K. Saxena, Member(Jud.)

1. Smt.Kanti Devi Widow of Late Shri Kaloo Prasad.
2. Brij Lal S/o Shri Doodh Nath, Both F/o Village Bairagia, P.O. Bajata, Distt. Mirzapur.

APPLICANT

By Advocate Shri Anand Kumar  
Versus

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

RESPONDENTS

By Advocate Shri Shailendra

O R D E R ( Oral )

By Hon'ble Dr. R.K. Saxena, Member(J)

Smt. Kanti Devi and Shri Brij Lal have filed this application with the prayer that the respondents be directed to give appointment to applicant no.2 on compassionate ground because Late Kaloo Prasad who was the husband of Kanti Devi, had been serving under the respondents and died on 02.7.1989 in harness. Smt. Kanti Devi had a minor son who is still minor and, therefore, appointment

of her husband's brother Brij Lal, applicant no.2 was sought on compassionate ground. The respondents concede<sup>s</sup> that Late Kaloo Prasad was in their employment but, as a substitute. The application was, therefore, rejected on two grounds, ~~one~~<sup>one</sup>, that Late Kaloo Prasad was a substitute and ~~two~~<sup>two</sup> that there was no provision to give compassionate appointment to the brother of deceased employee. The contention of the applicant on the other hand is that there are definite instructions of Railway Board that the near relative including the brother of the deceased employee can be considered for compassionate appointment. Also the case of a substitute can be taken into consideration in case such a substitute employee dies in harness. This fact has been brought on record through Supplementary Rejoinder and by filing the copy(Annexure-1) of the Railway Board's letter no.E(NG-II/93/SB/5 dated 07/10/93.

2. Learned counsel for the respondents have no doubt contested the case but, it appears that these facts have not been taken into consideration and no speaking and valid order was passed. Therefore, the respondents are directed to take the letters of Railway Board into consideration and then to decide by passing a speaking order whether the applicant can be given appointment on compassionate ground or not. The respondents shall consider this matter within a period of 8 weeks and shall communicate the applicant with the result of the decision within a period of 10 days <sup>2</sup> further

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thereafter. The application stands disposed  
of accordingly. No order as to costs.

1 *[Handwritten Signature]*  
Member( J ) 13/7/95

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