

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 8th day of December, 1998

Original Application No. 371 of 1994

District : Varanasi

CORAM:-

Hon'ble Mr. S.K. Agrawal, J.M.

1. Smt. Vidya Devi Singh
Wife of Late Sonu Lal Singh,

2. Shri Uday Pratap Singh
S/o Late Shri Sonu Lal Singh,
Both R/o House No. D 65/515-A, Lahartara,
District Varanasi.

(Sri Anand Kumar, Advocate)

. . . . Applicants

versus

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

2. Divisional Railway Manager,
Northern Railway,
Allahabad.

(Sri V.K. Goel, Advocate)

- Respondents

ORDER

By Hon'ble Mr. S.K. Agrawal, J.M.

The prayer of the applicant in this OA filed under Section 19 of the Administrative Tribunals Act, 1985, is to direct the respondents to appoint applicant no. 2 Sri Uday Pratap Singh on compassionate ground in place of his deceased brother Late Sanjay Kumar Singh Chandel.

2. In brief the facts of the case as stated by the applicants are that the applicant no. 1 is the mother and the applicant no. 2 is the younger brother of the deceased employee. It is stated that Sri Sanjay Kumar Singh was appointed as Assistant Electric Driver in the Northern Railway, Tundla and died on duty on 1-6-1989. After the death of the deceased Sri Sanjay Kumar Singh, the father of

the deceased Sri Sompal Singh approached to the authority for the appointment of applicant no.2 Sri Udai Pratap Singh on compassionate ground and he again submitted a representation dated 30-10-1989 through proper channel. It is stated that Sri Sompal Singh, the father of the deceased also died on 1-1-1990. The applicant no.1 also submitted representations to the respondents again and again for the appointment of Sri Udai Pratap Singh, the brother of the deceased but with no results. It is submitted that Sri Sanjay Kumar Singh Chandel was unmarried and was looking after the family i.e. the old father and the old mother as well as younger brother Sri Udai Pratap Singh. The applicant no.2 is still unmarried and unemployed and has passed High School Examination and there is no one else to support the poor widow except the applicant no.2 Sri Udai Pratap Singh. Applicant no.1, the mother of the deceased also suffers from throat cancer and she is on death bed. The applicant has no other source of livelihood and is facing starvation. It is also stated that the case of the applicant no.2 was rejected on the ground that there is no provision for appointment on compassionate grounds for the brother, is arbitrary. It is, therefore, requested that respondents be directed to consider the case of the applicant no.2 for consideration of appointment on compassionate ground.

3. A counter was filed. In the counter it was stated by the respondents that Sri Sanjay Kumar was run over and was killed when he was off duty. It is further submitted that on enquiry it was found that Sri Sanjay Kumar Singh Chandel was a Bachelor and there was no provision of appointment on compassionate ground of brother of a Bachelor employee. The representation of Smt. Vidya Devi Singh was duly replied by the respondents and since the appointment

of the applicant no.2 being the brother of the deceased ^{/grounds,} cannot be considered as per rules on compassionate/ hence her representation was replied accordingly vide letter dated 20-3-1990. It is further submitted that appointment of the applicant Sri Udai Pratap Singh is not covered under the rules. Therefore, the applicant is not entitled to any relief sought for and in this way the respondents have requested to dismiss this OA with costs.

4. A rejoinder affidavit has also been filed reiterating the facts stated in the O.A.

2. Heard learned counsel for the applicant and learned lawyer for the respondents and perused the record carefully.

3. It is submitted by the learned counsel for the applicant that ^{the applicant is the} ~~the~~ younger brother of the deceased Sri Sanjay Kumar Singh Chandel and according to circular issued by the Railway Board, the dependents of the deceased are entitled to appointment on compassionate ground. He has referred to the Railway Board Circular No. E(NG) 11/88/RC-1/Policy dt. 4.9.1996 and contended that this circular also provides for consideration of appointment of dependents of Railway employees dying as Bachelor.

6. On the other hand, learned lawyer for the respondents has submitted that Sri Udai Pratap Singh, is the brother of the deceased and he is major. Therefore, he cannot be said to be a dependent of the deceased in any way and the claim of the applicant no.2, therefore, rightly rejected by the respondents.

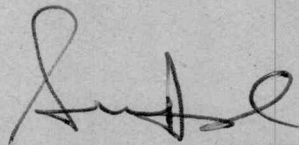
7. I gave thoughtful consideration to the rival contentions of both the parties and perused the whole record carefully.

8. The applicant in this OA has tried to establish that he was dependent upon the deceased in his life time. The



applicant has already reached the age of majority and no indigent circumstances could be established by the applicants in this OA. Therefore, the circular dated 4-9-1996 is of no avail to the applicant. The case of the applicant is mainly based on the facts that the respondents have rejected his claim arbitrarily, without any justification whereas the respondents have submitted that there is no provision for appointment on compassionate ground in case of the applicant. The applicant has failed to make out any case in his favour for consideration of his appointment on compassionate ground.

8. Therefore, this OA is dismissed with no orders as to costs.


Member (J) 8/12/98

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