

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

O.A.No. 1511/1999

Dated : This the 23rd day of February, 2004

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Smt. Sunita Devi,
D/o Late Rajwanti Devi,
Widow of Late Vipat Lal,
r/o 294/E, G.R.P. Colony, Leader
Road, Allahabad.

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By Advocate :- Shri B.N. Mishra

VERSUS

1. Union of India through its Secretary,
Ministry of Railway, New Delhi.
2. Divisional Railway Manager,
Northern Railway, Allahabad.
3. Divisional Personal Officer,
Northern Railway, Allahabad.
4. Assistant Personal Officer,
Northern Railway, Allahabad.
5. Station Superintendent,
Northern Railway, Allahabad.

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By Advocate : Shri G.P. Agarwal.

ORDER (ORAL)

By this O.A. Smt. Sunita Devi, fourth daughter of late Rajwanti Devi, has sought a direction to the respondents to give the appointment to him on the post of 'Pani Wali' on compassionate grounds.

2. It is submitted by the applicant that her mother Late Rajwanti Devi was appointed as 'Pani Wali as Class IV employee from 1975 to 1998 but unfortunately she died on 12.10.1998 while in service. Therefore, the applicant gave an application on 10.2.1999 to the D.R.M., Northern Railway, District Allahabad as well as to the

respondent nos. 3 and 4 for giving her compassionate appointment in place of her mother. It is submitted by her that she was living with her mother alongwith three minor children since last three years because her husband was living separately since than. She has, thus, claimed that she has right to be given compassionate appointment. It is submitted by her that she has given number of letters and representations to the authorities but till date she has not been given appointment. Therefore, she has no other option but to file the present O.A. She has relied on A.I.R. 1986 SC page 1976 the judgment given in the case of Smt. Sushma Goswami Vs. Union of India wherein it has been held that compassionate appointment should be provided immediately to redeem the family in distress. It is improper to keep such cases pending for long years. and in case no suitable post for compassionate appointment is available, supernumerary post should be created to accommodate the dependant of the employee.

3. The O.A. is opposed by the respondents. ~~that have submitted~~ applicant is not entitled for compassionate appointment as in her own application dated 12.08.1999 she had ~~said~~ written that she was driven out by her husband three years back and since then she is living with her mother. However, when the Sectional Inspector was asked to enquire into the matter, it was seen that late Smt. Rajwanti Devi has left behind one son aged 38 years already working as Helper Khalasi under Senior Section Engineer/AC/Elec/Alld, one married daughter aged 32 years, living with her husband, one widow daughter aged 30 years, who has also working as Group 'D' employee in D.R.M. Office, Allahabad and

fourth one is applicant herein aged 26 years who is also shown to be living with her husband. They have, thus, submitted that since two children of the deceased employee were already employed and both the daughters are married and living with ~~her~~ husband, the applicant cannot be treated as dependant on the deceased employee, therefore, her case is not covered for compassionate appointment under Rules. They have also annexed her own application ~~on~~ dated 18.1.2000 (Annexure-CA-I) wherein she had herself said that applicant is married daughter and, therefore, it does not confer ^{any} ~~any~~ right for compassionate appointment. They have further submitted that simply because other children have given their consent, it does not give her right to claim ~~for~~ compassionate appointment. They have further submitted that during the enquiry also the applicant as well as her elder brother both have stated that the applicant is living with her husband Shri Amrish Kumar, who is working ^{whereas} in a private company. But ~~there~~ is quarrel took place between the applicant and her husband, the applicant used to come to her deceased mother during her life time (Annexure-CA-2). They have, thus, submitted that since applicant is already married, there is no rule under which she can be given compassionate appointment. They have further submitted that the case of Smt. Sushma Goswami (supra) is not at all applicable in the present case and the law is well settled by Hon'ble Supreme Court that compassionate appointment cannot be sought as a matter of right or as a line of succession. Therefore, the O.A. may be dismissed being devoid of merits.

4. I have heard respondents' counsel and perused the pleadings.

5. Perusal of Annexure-CA-I shows that this is an application given by herself wherein she has shown her status to be as married. She ~~is~~ ^{has} not placed on record

any order of Court of Law to show that she has ^{been P} judicially
~~from P~~ separated ~~with~~ her husband or has been divorced by
her husband, so long the daughter is married, it is a
responsibility of her husband to maintain her, simply
~~she Quarrle with husband & P~~
because ^{she is} she cannot claim to be dependant on the deceased
employee. Even otherwise it is not disputed by the applicant
that the deceased employee has left behind four children out
of which one son and one widow daughter are already employed
and the other two daughters are married. If that is ~~the~~ situation
it cannot be said by any stretch of imagination that the
deceased employee ~~have~~ left behind her any responsibility
~~nor she is~~
for the married daughter ^{can claim} for compassionate
appointment in these circumstances. Law is well settled
by Hon'ble Supreme Court that compassionate appointment
cannot be sought as a matter of right or as a line of
succession. Simply because her mother was working with
the Railways, she cannot claim for compassionate appointment
or ~~get~~ entry into Government service by making it as an easy
step. Since she is married daughter as stated by herself
^{has been} in the application, no case is made out for grant of compassionate
appointment.

6. The O.A. is accordingly dismissed with no order
as to costs.



Member (J)

BRIJESH/