

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1666 of 1999

Allahabad this the 09th day of August, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

1. Lajjawati Sharma, wife of Late Sri Balbhadra Prasad.
2. Sanjay Kumar Sharma, Son of Late Sri Balbhadra Prasad.

Both resident of Village and Post- Bharwari,
District Kaushambi.

Applicants

By Advocate Shri C.P. Gupta

Versus

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

Respondents

Advocate
By Advocate Shri A.K. Pandey

O R D E R (Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Shri ~~Shri~~ Balbhadra Prasad while working as Welder/Aligner under Permanent Way Inspector, Northern Railway, Allahabad, he met with accident on 28.9.75

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with a Goods Train while he was returning ~~him~~ ^{home} at Allahabad. He sustained serious injuries and had to undergo long treatment. Ultimately he died on 06.03.83 leaving behind him his widow namely Lajjwati Sharma - applicant no.1 and three sons. The eldest son was living separately with his family and, therefore, ~~the~~ widow of the deceased employee represented for appointment of her next son namely Ajay Kumar vide ~~his~~ request dated 19.11.84. While under the matter was ~~not~~ processed, Ajay Kumar got employment somewhere-else, therefore, his appointment on compassionate ground was not pressed and the applicant no.2-Sanjay Kumar- the third son applied for his appointment on compassionate ground on 05.07.97, but without any response and, therefore, this O.A. has been filed seeking relief to the effect that the respondents be directed to consider the case of applicant no.2 i.e. Sanjay Kumar for compassionate appointment on a suitable post.

2. The respondents have contested the case, filed the counter-reply with the mention that the applicant moved a representation on 10.10.1984 for appointment of Ajay Kumar on compassionate ground. He was called for suitability test, but subsequently request in respect of him was withdrawn and there was long silence on the part of the applicant, and, therefore, As per letter dated 29.04.1997 the applicant no.1 was informed that compassionate appointment of her son was not possible under rules because her husband was not a permanent employee of

the Indian Railways. It has further been clarified that Late Shri Balbhadra Prasad was an unscreened casual labour who himself left the work in July, 1976 and subsequently died on 06.03.83 and, therefore, appointment of his son-Ajay Kumar was legally denied.

3. In her rejoinder, Smt.Lajjawati Sharma replied para-10 of the counter-affidavit in para-12 of the R.A., wherein she denied to have received any rejection letter dated 29.04.1987. About service status ~~to~~ of Late Shri Balbhadra Prasad, It has been mentioned that when he died he was a temporary employee and died in harness due to accident on duty and, as such , his wards are entitled for appointment on compassionate ground.

4. Considered the arguments placed from either side and perused the record.

5. It is not in dispute in between the parties that the deceased employee namely Balbhadra Prasad died leaving ~~behind~~ him a widow and three sons- and the eldest son as well as the next one are already in the employment, though not under Railways, and now it is a claim for the third son, which was pressed in the year 1997 i.e. after more than 14 years from the date of death of Late Shri Balbhadra Prasad.

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6. Keeping in view the time since death, the position of present dependents and that two sons of deceased employee are already in gainful employment, and also the assertion from the side of the respondents that when Late Shri Balbhadra Prasad died he was only an unscreened casual labour who did not report to work after July, 1976, I do not find any merit in the matter for direction, as prayed. The O.A. is dismissed accordingly. No cost.

S. S. Mehta
Member (J)

/M.M./