

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.56/1999

TUESDAY, THIS THE 3RD DAY OF DECEMBER, 2002

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

Chetram,
S/o Sri Mathura,
R/o Village Bhappurwa,
Post Office Samoohi,
Tehsil Ghatampur,
Dist Kanpur, Dehat. Applicant

(By Advocate Shri S.C. Mandhyan)

Versus

1. Union of India, through
Secretary,
Ministry of Railways,
Government of India,
New Delhi.
2. Divisional Rail Manager (Karmik),
Kalyan Anubhag,
Central Railway,
Jhansi. Respondents

(By Advocate Shri A.K. Gaur)

ORDER

By this O.A., the applicant Shri Chetram, has challenged the order dated 8.12.1998, whereby the claim for giving compassionate appointment to his son was rejected (Annexure-A1). He has also sought a direction to the respondents to give appointment to the son of the applicant Jugal Kishore on compassionate grounds and to issue any other order/s that this Tribunal deems fit and proper in the circumstances of the case.

2. It is submitted by the applicant that he was engaged as casual labour on 26.5.1977 in the office of Respondent No.2 and had disclosed his age to be 35 years. After having worked continuously for three years he acquired the status of a M.R.C.L. after screening was done on 11.6.1982.

3. It is submitted by the applicant that at the time of screening, he came to know that he had ~~only~~ disclosed his date of birth as 1942, therefore, he gave an affidavit stating therein that his correct date of birth was 4.5.1956. He therefore continued to work and in the year 1996, he was found medically unfit. Accordingly, he was to be settled up, as a result of which, since the applicant was to lose his job, he moved an application on 1.9.1997 before Respondent No.2 for giving compassionate appointment of his son Jugal Kishore (Annexure-A3). Thereafter, the applicant was issued a show cause notice dated 31.3.1998, to explain as to how there was a difference of only 11 years 7 months and 27 days in the age of the applicant and his son Jugal Kishore (Annexure-A4). It was pursuant to this show cause notice that the applicant explained that he married Jagarani, mother of Jugal Kishore in 1973 and at that time, she already had two sons viz., Ram Gopal and Jugal Kishore. He also stated that Smt. Jagarani was 11 years older than the applicant. The reply is annexed as Annexure-A5. The respondents rejected the claim of the applicant on the ground that since the applicant had never disclosed these facts to the authorities, therefore, it was not proper on the part of the applicant to seek employment for his step-son. It is this order which has been challenged by the applicant in the present O.A.

4. The respondents have opposed the O.A. and have explained that the applicant was engaged as casual labour on 26.5.1977 and the applicant had declared his age to be 35 years on that date and had subsequently given an affidavit on 11.6.1982 declaring his date of birth to be 4.5.1956.

Thereafter, when the medical ~~was~~ done, the applicant was declared as unfit as 'B-I', 'B-II' and 'C-I' and was declared fit for 'C-II' ^{with} glasses for distance vision on 1.11.1996. Accordingly, he was settled up by screening committee on 1.7.1997.

5. When the applicant moved an application for compassionate appointment on 1.9.1997, he once again said that being an illiterate, he does not have knowledge about his correct date of birth and disclosed that he was born three years before the date of Independence. However, during the inquiry made by the Welfare Inspector, the applicant stated his date of birth to be 4.5.1956 and the same date was also given for his wife Smt. Jagarani. The date of birth of Jugal Kishore is stated to be 1.1.1968. Even during his service, the applicant had given the date of birth of himself and his wife to be 4.5.1956 and 4.1.1956 respectively and that of his sons Shri Shiv Gopal and Jugal Kishore as 10.10.1972 and 1.1.1968. Even in the settlement papers, the applicant has recorded the date of birth of his wife Smt. Jagarani as 4.1.1956 and if these dates are to be seen, the son Shri Jugal Kishore was born to Smt. Jagarani with a difference of 11 years 7 months and 27 days, which was not really feasible and even otherwise since the applicant had been giving different dates on different times, naturally, no reliance could be placed on bald statements being made by him. It is only now when the applicant was given show cause notice that the applicant came out with a story that these were the step-sons whom the applicant's wife had given birth prior to their marriage. Even though these

facts were never brought to the notice of administration earlier. Accordingly, they have stated that the applicant is only trying to cheat the Railway administration and his request having been found not justified was rightly rejected. They have thus submitted that the O.A. may be dismissed with costs.

5. I have heard both the counsel and perused the submissions.

6. Admittedly, the applicant had been giving different dates of birth for himself, i.e., at the time of entering into service, he gave a different date of birth, while at the time of screening, he gave some other date of birth and now, when he gave an application for compassionate appointment, he once again wrote that being an illiterate, he was not aware of his actual date of birth, meaning thereby that even the affidavit given by him at the time of screening was without any basis and not as per his knowledge. It is thus clear that the applicant had not been a very clear person with the administration and had been changing his replies from time to time to suit his convenience. Even about his sons, he had never informed the department that they were brought by the wife and were his step-sons because in the service book or service record, he had shown them to be his sons and it is only when the administration put a query to him to explain as to how there is a difference of only 11 years between him and his sons, that he came with a new story that these were his step-sons who were born to his wife before their marriage. The above facts clearly show that the applicant is not a reliable person and had been giving different ~~applications~~ ^{various}

at different points of time. Accordingly, I am satisfied that the view taken by the respondents cannot be faulted with. There is no illegality in the orders passed by the respondents and since I do not find any merit in the O.A., the same is dismissed. No order as to costs.

R
MEMBER (J)

psp.