

(Reserved)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 3rd day of December 2001.

Q U O R U M :- Hon'ble Mr. C. S. Chadha, Member- A.
Orginal Application No. 1052 of 1999.
Smt. Ajijune W/o Late Raseed R/o Dharna
Post- Mughalsarai, Distt. Varanasi.

.....Applicant

Counsel for the applicant :- Sri S.K. Dey
Sri S.K. Mishra

V E R S U S

1. Union of India through the General Manager,
E. Rly. Calcutta- 1.
2. The Divisional Railway Manager, E. Rly.
Mughalsarai, Distt. Varanasi.

.....Respondents

Counsel for the respondents :- Sri A. Tripathi

O R D E R

(By Hon'ble Mr. C.S. Chadha, Member- A.)

This application has been filed under section 19 of the Administrative Tribunals Act, 1985.

2. The case in brief is that the applicant's husband was working in the railways as MCM in the Carriage and Wagon Department under C.W.S, Eastern Railway, Mughalsarai and died during the service period on 29.03.1995 just about three months before his due retirement. The applicant applied for a job for her son Mohd. Jabbar on the ground that her eldest son, although having a job, is living separately and not supporting the family.

C. S. Chadha

She pleaded that she had five sons other than the eldest son and two daughters one of whom has been sent back by her inlaws and she is still living with her. Vide order dated 09.11.1995, G.M. Railways, Mughalsarai rejected her claim for compassionate appointment of her son on the ground that five of her sons are already settled in private jobs and one of them is working in B.H.U, Varanasi. She applied against this order but the appeal was rejected on 21.12.1998 (annexure A- 3) stating that there is no reason to change the decision, hence this O.A has been filed.

3. Learned counsel for the respondents has argued that since her eldest son is under the employment of the railways, another son need not be given any employment on compassionate ground. However, learned counsel for the applicant has placed reliance on the judgment of Karnataka High Court in K. Raja Vs. Karnataka Electricity Board and others 1991 LAB I.C 778 as well as judgment of the C.A.T, Allahabad Bench in O.A 1126/91 delivered on 18.12.1992. I agree with the learned counsel for the applicant that it is not necessary that if one son is already working, another son cannot be given appointment on compassionate grounds. What must be seen in such cases is whether the family is in indigent condition due to the untimely demise of the government servant and whether the family cannot make ends meet with the retiral benefits of the deceased. Although, the department has stated that the retiral benefits have been given to the applicant and that her pecuniary condition is not bad, the enquiry conducted in this behalf seems to be very cursory. According to annexure A- 1 dated 09.11.1995, it appears that the respondents have tried to see that the sons of the applicant are "settled". It is quite likely that those sons who are really settled, are

686/2

living separately and not supporting the mother who has been widowed. No doubt, retiral benefits have been given to the applicant but it is to be enquired as to what is monthly income therefrom to the applicant. The applicant has made much of the fact that one of her daughter~~s~~ has come back from her inlaws' house because of the lack of dowry. However, the government is not responsible for giving dowries to her daughter. It is only to be seen whether the income from the retiral benefits and otherwise available to the applicant is sufficient for her maintenance. The very fact is that the husband of the applicant died in 1995 and the applicant has managed to pull along for the last six years which shows that financial condition of the family is not so distress. However, a thorough enquiry needs to make before rejecting such a claim.

4. It is, therefore, directed that the respondents should make a proper enquiry into the income available to the widow of the deceased considering that some of her sons do not contribute to the family to keep. After such an enquiry, a reasoned and speaking order may be passed as to whether the applicant deserves to get the compassionate appointment for her son Mohd. Jabbar. The O.A is accordingly disposed of.

5. There shall be no order as to costs.

Chowdhury
Member- A.

/Anand/