

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH  
ALLAHABAD.

Allahabad this the 28th day of November 2000.

Original Application no. 242 of 2000.

Hon'ble Mr. S. Dayal, Administrative Member

Vineet Lakhtakia, S/o late Mukesh Kumar Lakhtakia,  
(Ex- R R Bearer/North Eastern Railway),  
R/o House ~~no.~~ of Ramswaroop Vidya, Near Shiv Temple  
(Punjabi Gali) Bataganj, Distt. Badaun.

... Applicant

C/A Shri M.K. Singh

Versus

1. Union of India through General Manager, N.E. Rly., Gorakhpur.
2. The D.R.M.(P), N.E. Rly., Izatnagar, Bareilly.
3. The D.M.E. (Power), N.E. Rly, Izatnagar Bareilly.
4. The A.M.E. (Power), Izatnagar, Bareilly.

... Respondents

C/Rs Shri A.V. Srivastava

O R D E R(Oral)

Hon'ble Mr. S. Dayal, Member-A

 This OA has been filed under section 19 of the

A.T. Act, 1985, praying that the order dated 28.03.99 be set aside by which the applicant's application for compassionate appointment has been rejected. A direction has <sup>been</sup> sought to the respondents to consider <sup>the appointment of</sup> ~~the~~ applicant on compassionate ground <sup>under</sup> ~~in~~ dying in harness rules, considering her husband in service when he died.

2. The brief facts of the case are that the husband of the applicant was posted as Running Room Bearer. He was charged with the absence from duty and consequently violation of rule 3(i) (ii) (iii) of the Railway Servant Conduct ~~and Service~~ Rules 1966. An inquiry was conducted and order of removal was passed on 8.6.98. The late husband of the applicant preferred an appeal which was allowed by order dated 18.12.98 and the respondents were directed to permit him to join his duties. <sup>Before</sup> he could join his duties, he died on 22.12.98. The respondents, on an application made by the wife of the deceased Railway Employee, rejected her application for compassionate appointment on the ground that her husband was not in service at the time of death and, therefore, she could not be considered for appointment on compassionate ground.

3. Learned counsel for the parties have been heard.

4. It is clear from the annexure A2 of the OA that the appeal of the applicant have been allowed and lower officers were directed to take him on duty. Thus the status of the applicant cannot be treated to be that of an out-sider at the time of his death. Although, it is fact that the applicant could not join before his untimely

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demise.

5. The impugned order dated 24.8.99 of respondent no. 2 is, therefore, set aside. The respondent no. 2 is, therefore, directed to consider the representation of the applicant for compassionate appointment which is placed at annexure 4 of this OA.

6. The respondents no. 2 is directed to consider the said representation within a period of three months from the date of <sup>receipt</sup> ~~received~~ of copy of the order alongwith copy of the said representation.

7. No order as to costs.

  
Member-A

/pc/