

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 28th day of February, 2001.

C O R A M :- Hon'ble Mr. S. Dayal, Member- A.

Orginal Application No. 75 of 2000.

Smt Phulmati Gautam W/o Shyam Lal

R/o Ravi Nagar, 180, Mughalsarai, Distt. Chandauli

.....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,
Eastern Railway, Calcutta- 1.

2. The Financial Advisor and Chief Accounts
Officer, Eastern Railway, Calcutta.

3. The Chief Accounts Officer (Books),
Eastern Railway, Calcutta.

4. Smt. Sadhna Ambedkar D/o Sri Suraj Prasad
R/o 15/487, Jiwadhipur, Bajardiha, Varanasi.

.....Respondents

Counsel for the respondents:- Sri P. Mathur
Sri R.C. Jhohri
Sri Vipin Sinha

O R D E R (oral)

(BY Hon'ble Mr. S. Dayal, Member- A.)

This application has been filed for direction
to the respondents to consider the appointment of

younger son of the applicant named Jitendra Kumar Gautam.

2. The case of the applicant is that her son Arvind Kumar Ambedkar was worked as Junior Accountant Assistant sinc May, 1996. He died prematurely on 27.04.99 leaving behind his disable/father, mother, younger brother and younger sister. It is also mentioned that her son was married with Sadhna Chowdhury on 23.11.1997 but no 'Gauna' had taken place and she had been continuously staying with her father. Respondent No. 4 Smt. Sadhna Ambedkar applied for settelment dues and for compassionate appointment on 24.05.99. The applicant made an application on 04.06.99 for compassionate appointment of her younger son named Jitendra Kumar Gautam and objected the application made by respondents No.4 on 07.06.99.

3. Arguments of Sri S.K. Mishra, learned counsel for the applicant and Sri Prashant Mathur, learned counsel for the official respondents and Sri R.C. Johari, learned counsel for the private respondent No.4 have been heard.

4. The pleadings show that the appointment of near relatives has been stoped by order No. E (NG)II/ 88/RC-1/1/policy, dated 13.12.95 (annexure- 22 to the counter reply of the private respondent No.4) following the judgment of Hon'ble Supreme Court in case of U.O.I & ors. Vs. G. Anant Rajeshwar Rao 1994, SCC (1) (92). In Railway Boards Letter No. E (NG) III/78/RCL/1 dated 07.04.83 the persons who can be appointed on compassionate ground have been

defined and entitled persons are mentioned as son/ daughter/ widow/ widower of the employee. ^{for the respondents} Both the learned counsel ^{for the respondents} contends that brother can not be considered as near relative.

5. Although the applicant has mentioned in O.A that the nominated person at the time of appointment was her husband Sri Shyam Lal, ^{it is clear from the} copy of nomination filed as C.A- 3 that the applicant's ^{son} had nominated his wife Smt. Sadhna Ambedkar as his dependent family member. C.A- 4 shows that the applicant's son Arvind Kumar Ambedkar had given Smt. Sadhna Ambedkar as only family member in his family declaration for the purpose of privilege pass for ~~the~~ travelling in the railways. The Railway Board by other letter No. E (NG)II/88/RC-1/Policy dated 04.09.96 have decided that only dependents shown by the expired employee as per ~~last~~ Rules shall be considered for appointment on compassionate ground if the employee dies as bachelor or spinster.

6. In the circumstances the prayer of the applicant is not allowed and the son of the applicant is not entitled for the appointment on compassionate ground. The O.A is dismissed accordingly.

7. There will be no order as to costs.


Member-A.

/Anand/