

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD  
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Original Application No. 251 of 2002

Allahabad, this the 14th day of August, 2003.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE - CHAIRMAN

Tengari Vishwakarma S/o Late Bhatwati,  
Ex Khalasi, Helper, Eastern Railway,  
Mughal Sarai.  
R/o Vill. Hatia, Post Baburi,  
District - Chandauli, U.P.

.....Applicant.

( By Advocate : Shri J.P.Pandey )

Versus  
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1. Union of India through the General Manager,  
Eastern Railway 17 Netaji Subhash Road,  
Calcutta - 1 (West Bengal)
2. The Divisional Railway Manager,  
Eastern Railway, Mughal Sarai.

.....Respondents.

( By Advocate : Shri G. Chaudhary )

O R D E R ( O R A L )

BY HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.

By this O.A. filed under section 19 of Administrative Tribunal Act, 1985, applicant has prayed to quash the order dated 30.4.1998 and has further prayed for a direction to the respondents to consider the claim of the applicant for appointment on compassionate ground.

2. The facts of the case are that father of applicant late Bhagwati was serving as Khalasi Helper in Railways. He died on 04.10.1997 at the age of 57 years 2 months. At the time of death he left behind his widow and 2 major sons.

( both married ). The mother of the applicant applied for his appointment on compassionate grounds. The date of birth of applicant is 25.1.1964. He is, at the moment, more than 39 years old. The respondents considered the whole case and rejected the claim of the applicant by following order :

" The competent authority (DRM/MGS) has examined the case for appointment of your son named Shri Tengari Vishwakarma on compassionate grounds and after considering all aspects have found that in the family of ex-employee widow and two major sons are the only family members and there is no other liability of minor son or unmarried daughter etc. One house and two kattha land is also available with the family. The ex.employee was due superannuation after 10 months and thus the position of family would not changed, if the ex.employee would have reached 58 years of age. The case of Shri Tengari Vishwakarma has not been found fit for appointment on compassionate grounds. "

On the representation of the applicant, the matter was submitted to the Railway Ministry. The case for compassionate appointment of applicant was again examined and order was passed on 03.5.2000 copy of which is filed <sup>is enclosed</sup> as Annexure-R-V. The facts of the case are that the mother of applicant is getting family pension and both the sons are major and married. They are able bodied persons and can earn to meet the requirement of the family. In the circumstances mentioned above, it has not been found that the family is not facing indigent conditions and have sufficient means of livelihood.

3. In the circumstances the orders passed by the respondents are justified and no interference is called for by the Tribunal. The O.A. has no merit and dismissed with no order as to costs.



VICE - CHAIRMAN

Brijesh/-