

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

Original Application No. 9 of 2002  
this the 16th day of August 2002.

HON'BLE MR. C.S. CHADHA, MEMBER (A)

Aklilesh Kumar Singh, S/o Late paras Nath, Village & post  
Chitbargaon, District Ballia.

.....Applicant

By Advocate : Sri R.K. Dubey.

Versus

1. Union of India through its Chairman Railway Board,  
Rail Bhawan, New Delhi.
2. Mukhya Surakasha Ayukt Railway Suraksha Bal  
Gorakhpur.
3. General Manager (Karmik) N.E. Railway, Gorakhpur.

.....Respondents

By Advocate : Sri A.V. Srivastava.

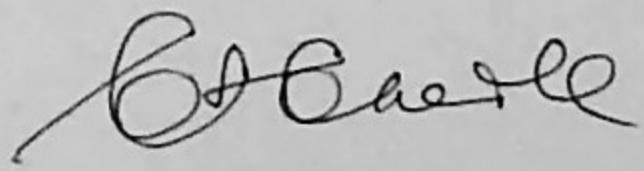
O R D E R (ORAL)

The case of the applicant is that his father died in harness on 28.6.1977 while serving as a Nayak in the Railways. At the time of his death, he left behind a widow, two daughters and a son who was <sup>then</sup> only four years old. Because the son was a minor, the applicant's mother did not apply for compassionate appointment. He became a major in the year 1991 and the mother of the applicant applied for his appointment on compassionate grounds on 7.8.1991. The said matter was earlier the subject of O.A. No. 1086 of 1994, which was decided by this Tribunal on 30.5.2001 with the direction that his application should be considered sympathetically because although he was the third amongst the issues of the deceased he was the only male member in the family and, therefore, the case deserved consideration.

*C.S. Chadha*

2. Vide the impugned order dated 19.10.2001, the case of the applicant was rejected by a speaking order. The learned counsel for the applicant states that the rejection order does not take into consideration the views expressed by the Tribunal in the ~~O.A.s~~ judgement mentioned above. The main question in this case is not whether a son who is the third issue is entitled for appointment on compassionate grounds or not, but whether the rejection order is itself correct. I have perused the impugned order dated 19.10.2001. The reasons for rejection for compassionate appointment of the applicant is not that he is a third issue and the case is time barred, but the impugned order mentions that the person concerned died in the year 1977 <sup>and</sup> ~~even~~ after a lapse of 20 years, the family has been able to get over the financial crisis and has maintained itself and, therefore, the compassionate appointment need not be given. The impugned order also mentions that the compassionate appointment is not a vested right which can be exercised at any time in future. The applicant has, however, cited the judgement of Allahabad High Court in the case of Manoj Kumar Saxena (2000) 2 UPLBEC 1694). I have perused the judgement and the same does not help the applicant because the facts of the cited case are quite different,

3. I intend to go with the reasoning given by the respondents because the deceased family has overcome the financial crisis due to the death of Sri Parasnath (who died in the year 1977) till date. There is no justifiable ground for granting compassionate appointment. The O.A. is accordingly dismissed. No costs.



MEMBER (A)