

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1303 of 2003

Allahabad, this the 23rd day of January, 2004

Hon'ble Mrs. Meera Chhibber, J.M.

Pauhari prasad
son of Late Sri Tuffani
r/o village Rampur Dube,
post Belava Bazar
District - Deoria.

....Applicant.

(By Advocate : Shri Janaradan Yadav)

Versus

1. Union of India,
through its General Manager,
North Eastren Railway.

2. The Divisional Manager,
Eastren Railway,
IZZAT Nagar.

.... Respondents.

(By Advocate : Shri K.P.Singh)

ORDER

By this O.A., the applicant has sought the following
relief(s) :-

- "(i) Issue a writ order or direction in the nature of certiorari quashing the impugned order dated 28.9.2001 passed by respondent No.2.
- (ii) issue a writ order or direction in the nature of mandamus commanding the respondents to consider the petitioner for compassionate appointment.
- (iii) Issue any other writ order of direction as this Hon'ble Court may deem fit and proper under the circumstances of the case.
- (iv) to award costs."

2. It is submitted by the applicant that his father late Tuffani died on 13.3.2001 during the course of his employment, leaving behind family and young boy, who is un-employed. Therefore, due to the death of the father, the entire family was suffering and was passing through ^{great} ~~great~~ hardship, therefore, applicant gave a representation on 14.4.2001 seeking compassionate appointment. However, his request was rejected

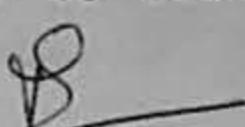
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vide order dated 28.9.2001 (Annexure A-1) on the ground that when the deceased employee died, he was left ^{with} only one month service. He is the only son aged about 39 years and all settlement dues amounting to Rs. 259529/- has already been paid, therefore, it is not a fit case for grant of compassionate appointment. This order has been challenged by the applicant on the ground that since there was no other earning member in the family and they were all dependents on the father, therefore, after his death, applicant was entitled for compassionate appointment.

3. I have heard both the counsel and perused the pleadings as well.

4. It is not disputed by the applicant that he was 39 years of age when his father died and was ^{the} only son. It is relevant to mention here that purpose for granting compassionate appointment is not to give compassionate appointment as a matter of right to all legal heirs of those employees who dies in service, but it was meant to be granted only in exceptional cases where the employee dies at a very young age leaving behind small children in a lurch or even at a later stage if the liabilities are too many and the family is not able to survive in the given circumstances as neither they have any other source of income, nor have sufficient means to survive. In the instant case, simply because applicant was unemployed, he does not get a right to make an easy step to gain entry in the Govt. service. He was only son left and was already 39 years of age. At the age of 39 years one is normally expected to be employed in normal course. If the applicant has not been able to get job till the age of 39 years, he cannot claim compassionate appointment as a matter of right, only on this ground that he is unemployed. He has already ^{been} given sufficient amount by way of settlement dues. More-over applicant's father had ^{was} ^{the} died when he ^{had} left only ^{one} month service, meaning thereby that after one month in any case he would have superannuated

Even otherwise in
in normal course. If the father died while in service, son
is entitled to get family pension only till the age of 25
years thereafter he is not ~~maxim~~ considered to be dependent
on the father and is expected to earn on his own, when he
would not even ^{be} entitle for family pension, He would definitely
not be entitled to claim compassionate appointment as a
matter of right. I am fully satisfied that the reasons
given by the authorities while rejecting his claim ^{are valid} ~~and valid~~
There is no irregularity in the same. O.A. is accordingly dismissed
at the admission stage itself with no order as to costs.



MEMBER (J)

GIRISH/-