

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

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Original Application No. 794 of 2003.

this the 14th day of November '2003.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

Dinesh Kumar Vidua, S/o late Ram Charan Vidua, R/o C/o  
Shyam Kishore Nayak, Karganj, near Jain Mandir, Medical  
College, Jhansi.

Applicant.

By Advocate : Sri H.C. Misra.

Versus.

1. Union of India through G.M., Central Railway,  
Bombay (CST).
2. D.R.M., Central Railway, Jhansi Division, Jhansi.
3. Chief Personnel Officer, Head Office, Central  
Railway, Bombay (CST).

Respondents.

By Advocate : Sri D. Awasthi.

O R D E R

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

"(i) issue an order or direction to the respondents  
to give appointment to the applicant against any  
class III post and pay the salary accordingly.

(ii) -----.  
(iii) -----."

2. It is submitted by the applicant that his father  
died on 10.1.1970 while in service, but he was minor at  
that time, therefore, he gave application for compassionate  
appointment after attaining majority. Vide letter dated  
26.10.89 Welfare Inspector directed the applicant to  
produce the documents (Annexure-3). He submitted all the  
papers, but no decision has been taken sofar.



3. He has submitted that since father was the sole earning member. After his death, they are facing economic crisis and he is also unemployed. Ultimately the Welfare Officer submitted his report dated 15.10.98 holding therein it is a fit case for grant of compassionate appointment. Still no appointment was given, so he gave a legal notice on 9.8.99 to the respondent no.2 without any avail. He is a Post Graduate and entitled for Class III post. Being aggrieved, he filed O.A. no. 1279/99 which was disposed off on 15.5.2001 (Annexure-7) with a direction to dispose off his representation.

4. Now the respondents have rejected his case by speaking order dated 27.9.2001 on the ground that employee died on 10.1.70, whereas the eldest son applied for compassionate appointment on 29.11.1983. His case was rejected on 26.11.84. Applicant is now the second son of Sri Ram Charan Vidua and the alleged report submitted by the applicant, on verification from Sri Hari Om Nigam is that found to be a forged document as he has stated /he has not prepared the said report. It is this order which is challenged in this O.A. on the ground that since he had approached the Court, respondents have rejected the case being annoyed even though his father died in course of employment and report was prepared by Mr. Nigam only. He has, thus, filed this O.A.

5. I have heard the counsel and perused the pleadings as well.

6. It is not disputed by the applicant that his father died in 1970 and his elder brother Sri Jagdish Prasad had applied for compassionate appointment on 29.11.1983, which was rejected on 26.11.84. There is no such scheme which stipulates that each child of deceased can apply for compassionate appointment on attaining



the majority. The idea of compassionate appointment is to tide-over the sudden crisis created by the death of sole bread earner of the family which leaves the family in total destitute condition. Compassionate appointment cannot be sought as a matter of right or as a line of succession. Applicant has submitted that he is educated and unemployed, simply because he is unemployed it is not a ground for grant of compassionate appointment. The most important aspect of the matter is the applicant had relied on a report allegedly prepared by Sr. Welfare Inspector, but he was denied having prepared any such report, therefore, the applicant was trying to take the benefit of forged document, which cannot be permitted at all. Since the case of his elder brother was already rejected in 1984, applicant had no right to again apply for compassionate appointment in 1989. If this practice is allowed, it would defeat the very purpose of compassionate appointment. Even otherwise, since it is such an old case where his father had died in 1970, the respondents would not even have the records to verify the facts, therefore, I find no illegality in the orders passed by the respondents. The O.A. is accordingly dismissed with no order as to costs.



MEMBER (J)

GIRISH/-