

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 22nd day of September, 2004.

Original Application No. 918 of 2003.

Hon'ble Mr. A.K. Bhatnagar, Member- J,

Hukum Singh S/o Late Jai Jai Ram a/a 29 years
R/o Vill-Saidpur, P.O. Piparia-Agroo,
Distt. Pilibhit (UP).

.....Applicant

Counsel for the applicant :- Sri Sudama Ram

V E R S U S

1. Union of India through the General Manager,
North Eastern Railway, Headquarters Office,
Gorakhpur.
2. Divisional Railway Manager, North Eastern Railway,
Izatnagar, Bareilly.
3. Senior Divisional Personnel Officer/ADRM(P),
North Eastern Railway, Izatnagar, Bareilly.
4. Secretary (Estt.) (RP)/Executive Director (E) (R.P),
Railway Board, Rail Bhawan, New Delhi.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R

By this O.A the applicant has prayed for quashing the impugned order dated 01.01.2003 passed by the D.R.M (P), N.E. Rly., Gorakhpur coupled with direction to the respondents to consider the case of the applicant for appointment on compassionate grounds in order to mitigate the hardship of the family of the deceased Railway employee.

2. The brief facts giving rise to this O.A, as per the applicant, are that the father of the applicant/Jai Jai Ram expired on 22.03.2002 while serving as Key Man in Engineering

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Department of North Eastern Railway, Pilibhit leaving behind 2 married daughters and 3 major sons. The applicant applied for compassionate appointment on 11.04.2002 alongwith all the required documents including the affidavit stating the fact that in case of compassionate appointment, he will look after the family of the deceased Railway employee. However, the application for compassionate appointment was rejected vide order dated 01.01.2003 by the D.R.M (P), N.E. Railway, Izatnagar on the ground that all the three sons of the deceased Railway employee including the applicant are major and are not dependent on the deceased employee. Therefore, the applicant filed the present O.A.

3. Learned counsel for the applicant has submitted that the order dated 01.01.2003 passed by the D.R.M (P), N.E. Rly., Izatnagar is non-speaking and cryptic and it has been passed without application of mind. Learned counsel for the applicant invited my attention to para 8 of the RA and submitted that while passing the impugned order, the respondents has not taken into consideration the provisions contained in para 1.2 and 1.5 of Railway Board's Circular dated 30.04.1979 which reads as under :-

"1.2 Appointments on compassionate grounds can also be made in the case of staff who die in harness but in such cases it should be restricted to son/daughter/widow of the employee. Where the widow cannot take up employment and the sons/daughters are minor, the case may be kept pending till the first son/daughter becomes a major i.e. attains the age of 18. Such cases should be kept pending only for 5 years it is extended to 10 years vide Railway Board's letter dated 18.04.1985 in the certain stipulations after which the claim will lapse. However, in cases coming under priority 1.4.1 below, if an appointment could not be made within five years due to the son/daughter being minor, the General Manager may personally authorise relaxation of the 5 years limit in deserving cases.

1.5 When offering appointment on compassionate grounds to a widow, son or daughter, it need not be checked up

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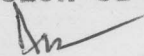
whether another son/daughter is already working. But there should in no case be more than one appointment against one death/medical incapacitation, e.g. it should not be permitted that after one appointment is made, later the family wants that another son/daughter be employed in lie or in addition."

4. Resisting the claim of the applicant, respondents have filed CA in para 5-B of which it has been stated that at the time of death of deceased employee, all the three sons were major and were not dependent on the deceased employee. In para 5.E it has been further stated that after the death of the deceased employee, a sum of Rs. 3,19,316/- was paid as settlement dues to his three adult sons in equal shares and the youngest son has been sanctioned family pension Rs. 1900+ DA per month.

5. I have heard learned counsel for the parties and perused the record. I have also gone through the impugned order dated 01.01.2003 which is obviously is a non speaking and cryptic order rejecting the claim of the applicant by three lines on the ground that two daughters of the deceased employee are married and three sons are major so no body was dependent on the deceased. I have also gone through the representation dated 24.06.2003 (Annexure- 10) which has been filed against the impugned order dated 01.01.2003. In the facts and circumstances, therefore, I find that the impugned order is liable to be quashed being cryptic and non-speaking.

6. Accordingly the order dated 01.01.2003 is quashed and the respondent No. 2/competent authority is directed to reconsider the case of the applicant after taking into consideration all the grounds taken by the applicant in his representation dated 24.06.2003 and pass a reasoned and speaking order in accordance with law within a period of three months from the date of communication of this order.

/Anand/


Member- J.