

(2)

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1079 of 2007

Wednesday, this the 07th day of **November** 2007

Hon'ble Mr. K.S. Menon, Member (A)

Kamlesh Kumari D/o Late Ram Bharosay Lal R/o 15 Muraopura
Near Gari Police Chowki, Bareilly (U.P.).

Applicant

By Advocate Sri R.C. Pathak

Versus

1. Union of India through the General Manager N.E. Railway
Head Quarter Gorakhpur (U.P.).
2. The Chief Workshop Manager (CWM) N.E. Railway,
Izatnagar, Bareilly (U.P.).
3. The Chief Workshop Manager (P) CEM (P), N.E. Railway,
Izatnagar, Bareilly (U.P.).

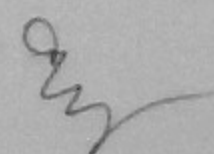
Respondents

By Advocate Sri P.N. Rai

ORDER

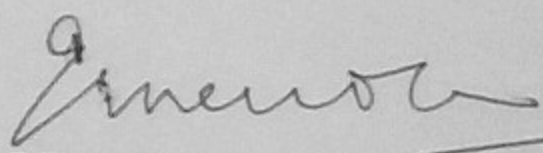
By K.S. Menon, Member (A)

The present O.A. has been filed against the Order dated 15.06.2007 passed by respondent No.3. Learned counsel for the applicant states that this Order is arbitrary, malafide, cryptic and illegal. The present case is for compassionate appointment of the applicant whose father died on 06.07.1991. The respondents after considering the claim of the applicant has rejected the same on the ground that the Government employee at the time of death had four daughters, who all are married, and none of them was divorced. It is seen that applicant's father died on 06.07.1991, at which point of time he had four daughters, who were all married. The applicant was subsequently divorced from her husband vide Family Court's Order dated 29.08.2000. Thereafter, after lapse of 7 years when the respondents



communicated the impugned order dated 15.06.2007, the applicant has chosen to file this O.A., seeking compassionate appointment. I am of the view that facts and circumstances of this case do not qualify for consideration in terms of Railway Board's Scheme for grant of compassionate appointment as the very purpose for grant of compassionate appointment is to help the family financially due to sudden death of the bread earner and such compassionate appointments are generally to be given within a year to eligible family member. In this case, all four daughters at the time of death of their father were married and hence not eligible for compassionate appointment. This view finds support from the various Judgments of Hon'ble Supreme Court in which it is held that compassionate appointment cannot be given after a lapse of reasonable period of time and it does not become a vested right to be exercised at a future date.

2. In view of the above, I find no merit in the O.A., which is dismissed accordingly. No order as to costs.


Member (A)

/M.M./