

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

ORIGINAL APPLICATION NO.157 of 2007

Allahabad, this the 17th day of April, 2008**Hon'ble Mr.K.S. Menon, Member-A**

1. Laxman Singh, aged about 61 years, S/o Late Shri Dayal Singh R/o 688, Nai Basti, Chand Darwaja District Jhansi.
2. Anil Kumar, aged about 30 years, S/o Shri Laxman Singh R/o 688, Nai Basti, Chand Darwaja, District Jhansi.

...Applicants.

(By Advocate : Shri R. Verma)

Versus

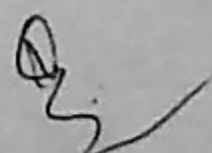
1. Union of India, through General Manager, West central Railway, Jabalpur.
2. The Chief Personnel Officer (Headquarters' Office), Civic Centre JDA Building, East Central Railway, Jabalpur.
3. The Chief Workshop Manager, West Central Railway, Bhopal.

...Respondents.

(By Advocate : Shri K.P. Singh)

O R D E R

The present OA is filed challenging the order dated 11.12.2006 passed by the Respondent No.2 for and on behalf of Respondent No.1, by which the respondents have rejected the claim of the applicant for grant of compassionate appointment. The applicant had earlier filed one OA No.877/06 in which the entire facts of the case have been considered and this Tribunal disposed of the same vide order dated 25.8.2006 in which the respondents were directed to consider the applicant's claim and dispose of the same with the speaking order in



accordance with the relevant rules/orders on the subject within a period of three months from the date of receipt of the order. In compliance with the same, the respondents have passed the impugned order dated 11.12.2006.

2. The facts of the case are enumerated in paragraph-04 and in the judgment of this Tribunal dated 25.8.2006 and are therefore not elaborated in this judgment.

3. The grievance of the applicant is that the applicant No.2 is not seeking compassionate appointment in lieu of brother late Shri Rakesh Kumar Verma, who died in harness. It is seen that when the applicant No.1 Laxman Singh was decategorised from the Railway Service, Shri Rakesh Kumar Verma his elder son was granted compassionate appointment but unfortunately he expired within a month on 6.6.2002. The applicant's contention is that although he and his wife received the settlement dues of their deceased son R.K. Verma, he is seeking compassionate appointment for his second son Shri Anil Kumar. The applicant further states that family circumstances ^{and 2} ~~of~~ the financial situation continues to be very bad and therefore, there is every reason for the respondents to consider the case sympathetically and grant compassionate appointment to applicant No.2.

4. The respondents have filed their counter. Their basic argument is that applicant No.1 was decategorised from the railway service. In accordance with rules, compassionate appointment was given to applicant No.1 son Shri R.K. Verma who unfortunately expired within a period of one month. The deceased Rakesh Kumar Verma's ⁱⁿ settlement dues have

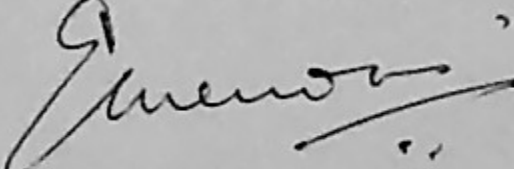
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been distributed equally among applicant No.1 and his wife i.e. mother of the deceased employee. The respondents further say that the father of the applicant No.2 is alive and is getting his pension as well as terminal benefits of his elder son the deceased R.K. Verma. In support of their contention the respondents have referred to the Railway Board Circular RBE No.79/96 on the subject- 'Appointment on compassionate grounds-Dependents of Railway Employees dying as bachelors, which states that after medical decategorisation there is provision for compassionate appointment and that the case of dependents of deceased railway servants dying as Bachelors/spenders can be considered on a case to case basis subject to approval of General Manager and the candidate is shown as dependent upon the late employee^{or} as per the pass rules. In this case, it has been contended that applicant No.2 has not been shown in any of the Railway Documents as dependent upon the deceased employee. The respondents state that the claim of the applicant was rejected on the basis of existing rules. In view of this, they contend that the case has no merit and should be dismissed.

5. I have heard the counsel for the parties at length. It is evident that on medical decategorisation of applicant No.1, compassionate appointment was given to elder son of Shri R.K. Verma who unfortunately expired within one month. There is no record available to indicate that applicant No.2 Shri Anil Kumar was dependent on his deceased brother Shri R.K. Verma. The terminal benefits of the deceased employee were also distributed to the parents and since the current rules on the subject provides that appointment is to be given to the dependent of a Railway employee

who died in harness and in case of medical decategorised/death, compassionate appointment can be given only once. In this case, compassionate appointment was given to the eldest son of the applicant who unfortunately expired within a period of one month, and there is no provision to extend² the same to applicant No.2 Shri Anil Kumar despite the family circumstances.

6. In view of the above action taken by the respondents vide their reply and direction given in the earlier OA No.877/06, and the impugned order on 11.12.2006 which is a reasoned and speaking order, I do not find any ground to interfere in the said impugned order. The OA therefore, lacks merit and is accordingly dismissed. No costs.


Member-A

RKM/