

IN THE CENTRAL ADMINISTRATIVE TRAUNAL
AHMEDABAD BENCH

O.A. No. 460 OF 1990
T.A.X. No.

DATE OF DECISION 15-6-1992.

Chandra Muthuswamy, Petitioner

Mr. Y.V. Shah, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent(s)

Mr. B.R. Kyada, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal? ✗

Chandra Muthuswamy,
widow of Vishwalingam
Chindambaram,
72-D Railway Quarters,
Hapa, Dist. Jamnagar. Applicant.

(Advocate: Mr. Y.V. Shah)

Versus.

1. Union of India
through the General Manager,
Western Railway,
Churchgate, Bombay.

2. Divisional Railway Manager(E)
Western Railway,
Rajkot.

3. Chief Permanent Way Inspector,
Western Railway,
Rajkot. Respondents.

(Advocate: Mr. B.R.Kyada)

ORAL JUDGMENT

O.A.No. 460/1990

Date: 15-6-1992.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. Y.V.Shah, learned advocate for
the applicant and Mr. B.R. Kyada, learned advocate
for the respondents.

2. This application is filed under section
19 of the Administrative Tribunals Act, 1985 by
the widow of the deceased railway servant praying
for the payment of retiral benefits of the deceased
and to enlist the name of her son Velmurgam for
proper enforcement of his appointment on
compassionate grounds in accordance with the railway
board policy. At the time of admission the

applicant had not pressed for the first relief of payment of retiral benefits and hence the matter was admitted only on the point of relief of appointment of the son Velmurugam on compassionate ground. No reply is filed to the application.

3. The learned advocate Mr. B.R. Kyada for the respondents submitted that though no reply is filed by the respondents this application is not maintainable by the mother. The applicant mother of Velmurugam has no right to file this application for appointment of her son on compassionate ground when the son was a minor at the time of this application. He submitted that the notice dated 4th August, 1990 produced at Annexure A-3 by the applicant shows that on that date even according to the applicant her son was aged about 17 years. He therefore, submitted that a minor can never be taken into consideration ~~for~~ appointment on compassionate ground. He submitted that the applicant who is the widow of the deceased railway servant is already in service with the respondents. He submitted that the averments made in this application do not show the bio-data of the applicant's son for whom the appointment on compassionate ground is sought. He submitted that the son on attaining majority should have made an appropriate application for appointment on

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compassionate ground giving his bio-data and unless that is done such application by the mother cannot be entertained. He submitted that even reading the provisions made by Railway Board regarding appointment on compassionate ground produced by the applicant at Annexure A-7, it is clear that the person who wants appointment on compassionate ground should satisfy the test which is laid down for his appointment. This provision produced at Annexure A-7 shows that the candidates applying for appointment on compassionate grounds should be subjected to a suitability test by committee of senior scale officers etc. The provisions also show that the appointment on compassionate grounds has to be made within a period of five years from the date of the death of the railway employee dying in harness which may be relaxed when the son or daughter is minor. He submitted that the deceased died on 9th June, 1990 when the applicant's son was minor and he could apply on attaining majority. He submitted that neither this application is made by the son who wants appointment on compassionate grounds nor had he become major at the time of this application nor is there any bio-data of the son in this application, hence this application deserves to be dismissed. Mr. Y.V.Shah for the applicant submitted

that the mother can make such petition for appointment of her son and this petition be sent to the Divisional Railway Manager treating as representation. I do not accept the submission of Mr. Shah because on the date of the application the son was a minor and this application does not show the bio-data of the said son and unless a proper representation giving all details is made by the son it would be futile to send such an application for consideration to the respondents. The applicant's son who wants appointment on compassionate ground may make a proper representation giving his bio-data to the D.R.M. who may consider his representations if made. However, this application can not be allowed.

O R D E R

The application is dismissed. No orders as to costs.


(R.C.Bhatt)
Member (J)