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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH:CUTTACK

Original Application No. 446 of 1989.

Date of Decision ... 18. 7. 1991.

N. J. Rao ... Applicant

Versus

Union of India & others ... Respondents

For the Applicant ... M/s.P.V.Ramdas,  
B.K.Panda and  
D.N.Mohapatra,  
Advocates

For the respondents ... M/s.D.N.Mishra,  
S.C.Samantray,  
Standing Counsel

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C O R A M

HON'BLE SHRI N. SENGUPTA, MEMBER (JUDICIAL)

A N D

HON'BLE SHRI I.P.GUPTA, MEMBER (ADMINISTRATIVE)

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes

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JUDGMENT

I.P. GUPTA, MEMBER (A), The applicant is the son of a Railway Guard who died in harness on 15.9.1967 after about five years of service. He entered service on 18.4.1962. At the time of his death the applicant was only about 3 years old. The mother of the applicant is in receipt of family pension which amounts to Rs.484/- per month. The applicant has requested for issue of a direction to the respondents to consider his case for appointment on compassionate ground.

2. According to the instructions of the Railway Board as contained in their circular no.E.(NG)III/78/RCI/1 dated 30.4.1979 appointment on compassionate ground can be made in case of staff who die in harness but in such cases it should be restricted to a son/daughter/widow. Where the widow can not take up employment and the sons/daughter/ are minor, the case may be kept pending till the first son/daughter becomes a major i.e. attains the age of 18. There is however a further restriction in the communication that such cases should be kept pending only for five years after which the claim will lapse. Though under this restrictive stipulation the applicant is not eligible, there is also a provision in the same communication that the General Manager may personally authorise relaxation of five years

limit in deserving cases coming under priority (4) (i) referred to in the said communication.

3. In terms of this discretion available to the General Manager, this Tribunal directs that the case of the applicant may be considered by the appropriate authority for appointment on compassionate ground, as his father died in harness. The matter may be considered within a period of three months. If no application for compassionate appointment is now pending before the authorities, the applicant would be at liberty to make a fresh application and the period of three months will be counted from the date of receipt of such application in that case.

*Na Supt*  
18/7/91  
MEMBER (JUDICIAL)

*H. Deupad*  
18/7/91  
MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
Dated the 18.7.91/ B.K. Sahoo/

