

44  
OJ 21/9/95  
(C)

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
8	30-4-96	<p>Heard Shri N.Jajharsingh, learned counsel for the applicant and Shri D.N.Misra, learned counsel for the Respondents.</p> <p>2. The impugned order here is the one passed by the Senior Divisional Personnel Officer, South Eastern Railway, Khurda Division (Respondent No.5) on 26.4.1994 rejecting the claim of the widow of late Chakra Bhatta for employment assistance to her son Banambar Bhatta on compassionate grounds. Counter-affidavit at paragraph 4 states that Chakra Bhatta was survived by the applicant (widow), two sons and two daughters. Only on 11.11.1990, i.e. after a period of three years of the death of ex-employee, the applicant approached for consideration of her third child for appointment. Because of the delay the Respondents came to the conclusion that the family was not in immediate need of relief. If it was really in distress or penury, then employment assistance would have been sought on compassionate grounds as soon as the casual Gangman late Chakra Bhatta died on 11.1.1987. Compassionate appointments to dependants of casual labourers are not</p>	<p>order dt 23.9.95 Four weeks further time is granted to file counter C.R. Counter not filed For further orders order dt 1.12.95 Three weeks further time is granted to file counter failing which place before the Bench for further orders. C.R. Counter not filed For further orders</p>

20/11  
Bench

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provided as a matter of right, but they are provided in certain deserving cases only. Because of the time-lag, the authorities felt that this is not a fit case for compassionate appointment.

3. It is pointed out before me that the first son of the applicant is 'mentally incapacitated'. The second child is a daughter who cannot be a bread-winner of the family because she has to be married and therefore, Banambar, the third child, who has attained majority is the only fit candidate for compassionate appointment. When Chakra Bhatta died, this boy was minor and therefore, he could not apply until he attained majority and also the necessary qualifications.

4. Shri D.N.Misra, learned counsel for the Respondents states that these are additional submissions which were not before the Respondents earlier and therefore, these have to be investigated and examined. In view of Shri Misra's submissions, I direct the applicant to place these submissions in a fresh representation before Respondent No.3, the General Manager, S.E.Railway, within a period of two weeks from the date of receipt of this order. The General Manager, within six weeks of the submission of

counters  
not billed.  
for further  
order.  
Patna  
5/3 Branch

for hearing  
counter  
not billed.

Patna  
11/3 Branch

for hearing  
Adj'n 14.2.96.

Ch  
MB

for hearing  
R.N.D  
26/3 Branch

for hearing  
R.N.D  
10/4 Branch

(A)

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the representation of the applicant, shall examine these aspects and consider the feasibility and suitability of appointing Sri Banambar Bhatta, the third child of late Chakra Bhatta on compassionate grounds.

With these directions, the application is disposed of.

MEMBER (ADMINISTRATIVE)

Adj to 30/4/96  
for hearing.  
Fwd  
26/4 Banch

A copy of  
the orders

of 30-4-96  
may be given  
to the counsels  
for both sides.

Fwd

2/5- Banch  
02.05.96  
S-D

Received copy  
for the applicant  
30-4-96 by Regd  
Hand  
02/5/96

Received copy  
for the applicant

Mr  
S-196  
Adv.