

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 796 OF 1995.

Cuttack, this the 9th day of September, 1999.

SMT. MAMATA PRADHAN.

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APPLICANT.

VRS.

UNION OF INDIA & OTHERS.

....

RESPONDENTS.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? **Yes,**
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? **NO.**

(G. NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
9.9.99

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C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

Smt. Mamata Pradhan,
Aged about 33 years,
W/o. Shri Baikuntha Nath Pradhan,
Daughter of late Ramath Paramanik,
at present residing at/Po. Khairda,
Via. Kamarda, Dist. Balasore. ... APPLICANT.

By legal Practitioner : M/s. R. N. Nayak, B. S. Tripathy,
A. Deo, P. Panda, M. P. J. Ray,
ADVOCATES.

-VERSUS-

1. Union of India represented by its
General Manager, SE Railway,
Garden Reach, Calcutta-43.
2. Chief personnel officer,
S. E. Railway, Garden Reach,
Calcutta-43.
3. Divisional Railway Manager,
S. E. Railway, Khurda Road,
Dist. Khurda. ... RESPONDENTS.

By legal practitioner : M/s. D. N. Mishra, S. K. Panda, Standing
Counsel (Railways).

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN.

In this Original Application, under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to the Respondents to give her appointment on compassionate ground commensurate with her educational qualification.

2. In this 1995 matter, inspite of passage of four years, counter has not been filed. Several chances were allowed to Respondents to file counter and time was also taken by Respondents to file counter but the same was not filed and as such, the matter has been listed for hearing and final disposal.

3. facts of this case fall within a small compass and can be briefly stated.

4. Applicant's father late Ramanath Paramanik was working as Trains Clerk at Bhadrak. He passed away while in service on 1.1.1963 leaving behind his widow and four daughters. Applicant is the youngest daughter. According to the legal heir certificate issued on 11.11.1993 (Annexure-1), applicant's age at that time was 31 years and she was married. Applicant has stated that she and her husband are looking after the widow mother ~~in law~~ as the other three daughters have already been married. On that ground, she has asked for compassionate appointment in a representation which is at Annexure-4. The mother, widow, of the deceased Government employee has also

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filed an Affidavit stating that the applicant and her husband are looking after her and compassionate appointment should be given to the applicant. In the context of the above facts, applicant has come up with the prayers referred to earlier.

5. We have heard Mr. B. S. Tripathy, learned Counsel for Applicant and Mr. D. N. Mishra, learned Standing Counsel (Railways) appearing for the Respondents and have also perused the records.

6. In the absence of any counter of the Respondents, we have necessarily to go by the averments made by the petitioner in her Original Application. From Annexure-1, which is the legal heir certificate, it is seen that at the time of issue of the legal heir certificate in Annexure-3, applicant was 31 years of age and was married. Therefore, applicant was born sometime in 1962. At the time of death of her father, she was, therefore, a minor. She attained majority in 1981. But applied for compassionate appointment in a representation at Annexure-4 in which there is no date. On this representation there is a recommendation by the local MP which is dated 21.1.1994. From this it has to be concluded that this representation was sent by the applicant sometime after January, 1994. There is no averment in the Original Application as to why the applicant could not apply for compassionate appointment immediately after attaining the majority in 1981. Moreover, applicant was already married at the time of filing this representation.

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and a married daughter is not normally taken as a member of the deceased father's family. At the time of death of the deceased Government employee, there were three other daughters. There is no averment why none of them came up for compassionate appointment. In this case, death has occurred more than 36 years ago. The deceased railway employee has left behind his widow and four daughters. All the daughters have now ^{been} married. Since the family has lived all these years without compassionate appointment we hold that no case for compassionate appointment has been made out by the applicant. The application, is, therefore held to be without any merit and is rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
9.1.99

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