

5

5

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.208 OF 1996
Cuttack, this the 24th day of July, 1996

CORAM:

HONOURABLE SHRI N.SAHU, MEMBER (ADMINISTRATIVE)

Kumari Renuka Paramanik,
aged about 28 years,
daughter of Sambhunath Paramanik,
resident of Old Rausapatana,
P.O-Cuttack-1,
District-Cuttack

.... Applicant

By the Advocate

-

Mrs.Pravashi Nayak

-versus-

1) Union of India,
represented through the General Manager,
South-Eastern Railway,
Garden Reach,
Calcutta.

2) The Deputy Controller of Stores,
South Eastern Railway,
Kharagpur.

3) District Controller of Stores/
Carriage Repair Work Shop,
South Eastern Railway,
Mancheswar, Bhubaneswar-5

.... Respondents

By the Advocate

-

Mr.Ashok Mohanty,
Sr.Central Govt.,
Standing Counsel.

....

O R D E R

b

6

SAHU, MEMBER (ADMN.) The only relief claimed in this application is to direct the Respondents to appoint the applicant on compassionate ground after the death of her brother Sri Gopal Paramanik who worked as a Khalasi since 7.12.1988 under displaced person quota. It is claimed that Sri Paramanik "died an accidental death in duty and service". It is stated in the rejoinder to the counter filed that he sustained head injury during his duty hours at about 3.45 P.M. on 11.5.1993 and it was noted that he worked on that day in the office. This fact was seriously contested by the Respondents at the time of hearing and was not corroborated. If the injury had occurred during working hours of the office to Sri Gopal Paramanik, then it would have been the responsibility of the Respondents to move him into medical care under their supervision. The absence of any such arrangement throws a doubt on the claim. This aspect of the claim, therefore, at this stage cannot be admitted.

2. Smt. Suchitra Paramanik, mother of the deceased Khalasi, applied on 25.6.1993 before Respondent No.3 for appointment of her daughter who is the applicant here. This was responded to by the District Controller of Stores (Respondent No.3) by providing her with application forms. They were all filled up on 16.9.1993. The Respondents wanted to verify "the pass declaration of late Gopal Paramanik, GP-47". The Assistant Controller of Stores by Annexure-7 wanted a

7

(7)

succession certificate for release of the retirement benefits of the deceased. This was produced by the letter No.MCS/Stores/2/GP/924 dated 27.9.1995. Her grievance is that after the death of Sri Gopal Paramanik on 11.5.1993, more than three years have elapsed and yet there was no decision on her claim for appointment. The applicant passed I.A.Examination and she hopes to be employed as a Clerk in recruitment grade. She has sent a representation to Respondent No.1, but she has not been given any intimation so far. Therefore, this application has been filed.

3. In the counter affidavit, it is stated that the Respondents went by the family declaration as per the Rules in terms of Establishment Serial No.163/79. The applicant being the sister does not come within the fold of eligible family members for assistance. It is claimed that the applicant's brother died at his residence and not during the duty hours as per certificate of Cuttack Municipality. Paragraph 6 of the counter states that her application was rejected since no declaration of family members in the family declaration form was made by Gopal Paramanik during his service. He was a bachelor and did not nominate anybody. The sister of the deceased is not a dependant as per Rules - Estt. Sl.No.163/79. For that reason also, she could not be paid the death-cum-retirement benefit that is owing to the deceased and therefore, a succession certificate was required to be filed.

4. ^{Under} ~~By this counter,~~ ^{instructions} appointment on compassionate ground is offered to three categories of employees:

- (1) Those who lose their lives in the course of duty: Job can be offered to a "dependant" relative,

as defined in Pass Rules and where no such dependant with necessary qualification is available, to a nephew or other relative "under the personal orders of the General Manager".

(2) Those who die in harness: Limited to son, daughter, widow.

(3) Develop ailments during service and are medically decategorised; If no alternative job with the same emoluments can be offered to them, and if they retire, one son or daughter can be offered a job.

The applicant's brother does not fall into the third category. There is no evidence that the applicant's brother lost his life in the course of duty or became so crippled that he could not do any work, e.g. loco and traffic running staff in charge of trains involved in accidents. There is no record whatsoever produced before me that the applicant's brother died in an accident while on duty. The death certificate shows that he died at his residence and therefore, he does not come within the first category. The Respondents' case is corroborated by Smt. Suchitra Paramanik's application dated 25.6.1993, Annexure-I. She never claimed that 'Gopal' died during duty hours. She never applied for the first category at all. She only applied under the "land quota". The plea of "head injury" during duty hours is uncorroborated and is an afterthought. The second category is confined to the family members, namely, son, daughter and widow. The applicant's brother was a bachelor. His successors applied for the retirement benefits. The applicant was his sister and she was not the dependant. Her case for employment assistance

is not permissible in terms of Establishment Serial No.163/79.

5. We may look at the issues from another angle. Compassionate appointment is given to any of the dependent members of the deceased employee who are in distress financially. There is no guarantee that the applicant, the sister of the deceased employee, will be available in the family unit. She can get married and start her own family.

6. I do not find any merit in this application with regard to rehabilitation assistance. It is prayed that a direction be issued to the Respondents to clear up all the retirement benefits in respect of late Gopal Paramanik. Now that succession certificate has been filed, the Respondents shall take immediate steps to compute the provident fund and other dues and disburse the same within twelve weeks from the date of receipt of copy of this order.

N. Sahu
24/7/96
(N.SAHU)
MEMBER (ADMINISTRATIVE)

A.Nayak, P.S.