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Serial No. of Order	Date of Order	Order with Signature
3.	26.2.97.	<p>This is an application under Sec.19 of the Administrative Tribunals Act, 1985 for compassionate employment under the railways.</p> <p>2. The facts of the case are indicated below in brief :</p> <p>One P. Rambabu, working as P.W.I- III in South Eastern Railway, Chatrapur under Khurda Road Division died on 6.8.88 while in service leaving behind his widow and one daughter. After his death, his widow having no son decided to adopt one K.Raju and applied to the railways for compassionate employment of K.Raju; but later on Sri Raju got an appointment else where and refused to take employment in the railways and look after the widow and her daughter. Thereupon, the widow decided to adopt the petitioner who is her husband's sister's son. It is submitted by the petitioner, that necessary adoption ceremony was accordingly held. The date of adoption ceremony has not however been indicated in the petition. It has only been mentioned that the adoption was done at a late stage and the educational certificates of the petitioner could not be changed. Though the widow made a further application on 19.8.94 praying that her previous application for seeking appointment for Sri K.Raju should be cancelled and the petitioner be given compassionate appointment as he has agreed to look after her and her daughter, it has been submitted that an inquiry was conducted by an officer of the railways in October, 1994 but no decision has been communicated to her or to the applicant. Even after filing of the further representation on 21.11.96, there has been no response from the railways. The petitioner has therefore come up before this Tribunal seeking a direction to the respondents who are Union of India, represented by the Chairman, Railway Board, New Delhi, General Manager, South Eastern Railway, Calcutta, Divisional Railway Manager, Khurda Road and the Senior Divisional Personnel Officer, Khurda Road, for issuing an order of appointment on compassionate ground in favour of the applicant and also for other consequential reliefs.</p> <p><i>Somnath Jha 26.2.97.</i></p>

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...3.26.2.97 contd.		<p>3. I have heard the learned lawyer for the petitioner at length on the question of admission. Learned lawyer for the petitioner has very kindly taken me through the relevant instructions of the railways regarding compassionate appointment. It seems that the instructions provide for extension of the benefit of compassionate appointment to a near relative subject to certain conditions. The relevant conditions need only be noted here. (1) The employee or the ex-employee should have no son or <del>or</del> daughter or <del>son</del> the daughter is a minor one and the widow cannot take up an employment; and (2) a clear certificate should be given by the widow that the near relative will act as the bread winner of the family. In this case, no averment has been made that the widow of the deceased railway employee was not in a position to take up employment and for what reason. From the enclosures to the petition, it is also not clear if a certificate as required under the instructions was given by the widow. There is also a time limit for making compassionate appointment. It is generally for five years. Such five-year limit can be relaxed with the approval of the General Manager in deserving cases when compassionate appointments are sought on the ground of an employee losing his life or getting crippled in the course of duty. In other cases, relaxation of five-year limit will require the approval of the Ministry of Railways for which a reference showing special reason for relaxation along with personal recommendation of the General Manager will have to be made. I find that the instructions provide for an order of priority for making compassionate appointments. Under these instructions, the first priority goes to the dependents of the employees who die or are permanently crippled in the course of duty; the second priority is for dependents of employees who die in harness as a result of railway accidents while on duty; and the last priority goes to the dependents of employees who die in service or are medically incapacitated. The instant case, therefore, comes under the last priority.</p> <p><i>Some more Jom 26.2.97</i></p>	

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..3. 26.2.97 contd.		<p>4. Considering the fact that the death has occurred more than 8 years ago and the widow of the deceased employee has not indicated that it was not possible for her to take up an employment with clear evidence to that effect and that the present petitioner is in fact the adopted son of the widow, I do not think this is a fit case where admission should be granted. It, however, appears from the averments in the petition that the railway authorities did conduct an enquiry in October, 1994 i.e. on 19.10.1994 into the prayer of the petitioner and the widow of the deceased railway employee; but the result of the enquiry has not been communicated to the widow or to the petitioner. I think, ends of justice would be met if, while refusing admission, a direction is issued to the railway authorities i.e. the respondents to intimate their final decision on the representation dated 19.8.94 of the widow which was enquired into on 19.10.94. It is so ordered.</p> <p>With the aforesaid observations, admission is refused and the petition is dismissed.</p>	<p>Order 3 may be issued.</p> <p>Copy of order dated 26.2.97 may be given to the counsel for both sides.</p> <p>Received copy for the applicant P.W.J. 10/3/97</p> <p>10.03.97 S.O. (S)</p>