

Serial No. of Order	Date of Order	Order with Signature
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3.	26.2.97.	<p>This is a petition under Section 19 of the Administrative Tribunals Act, 1985. The prayer is for a direction to the respondents to give compassionate appointment to the petitioner.</p> <p>2. The facts of the case are that the father of the petitioner Ramachandra was working as a Gangman under P.W.I., South Eastern Railway, Sompeta under the Divisional Railway Manager, Khurda Road. Ramachandra died on 17.10.73 while in service leaving behind his widow, one son, the applicant and two daughters. At that time, the applicant was aged three years and the two daughters were aged eight years and six months. The widow was asked by the then P.W.I. for appointment on compassionate ground but she refused to accept the offer because her children were minors. It has been alleged that at the time the widow was assured by the P.W.I. that the case of appointment on compassionate ground will be taken up after the son attains the age of majority. The mother of the petitioner applied to the Divisional Railway Manager, Khurda Road on 19.5.88 for appointment of her son on compassionate ground and thereafter made a series of representations to the Divisional Railway Manager through the P.W.I. Sompeta but no action was taken. Later the petitioner's mother came to know that her representations were not on record and again she applied on 23.3.96, but no action has been taken on her representation. Hence the son, on her behalf, has come up with this petition seeking compassionate appointment.</p> <p>3. In this case, the railway employee died on 17.10.73 i.e. more than 23 years ago. The application on behalf of the present petitioner has been filed, according to the averment in the petition, in 1988 i.e. 15 years after the death of the petitioner's father. Compassionate appointments are made for rehabilitation of the family of the deceased Government servant. That is why instructions provide that normally such appointments should be given within one to three months. The family of the deceased</p>
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...3.	26.2.97 contd.	<p>railway employee in this case has managed for the last 24 years after death and it is rather late for them to come up with a prayer for compassionate appointment. According to the instructions of the Railway Board, normally a five-year time limit has been fixed for such appointments. In exceptional cases, this can be relaxed by the General Manager or by the Ministry of Railways with personal recommendation of the General Manager basing on special circumstances obtaining in individual cases. There is also priority fixed by the railways for making appointment. Under this, the first priority is of the dependents of the employees who die or are permanently crippled in the course of duty; the second priority goes to the dependents of employees who die in harness as a result of railway accidents when off duty; and the third and the last priority is of the dependents of employees who die in service or are medically incapacitated. The petitioner's case, therefore, comes in the last category of priority.</p>	
		<p>4. Considering the fact that the death has occurred more than 23 years ago and the petitioner's family has managed all these years, though with difficulty, and the first application has been made after 15 years of the death, this does not appear to me to be a case where the matter should be admitted and notice should be issued. It is also to be noted that according to the averment of the petitioner, his mother was offered employment after the death of her husband but she was unable to take up the appointment and refused the offer.</p>	
		<p>5. While taking a view against admitting the petition, it is noted that the petitioner's mother has made a series of representations to the railway authorities, the latest being on 23.3.96. I think ends of justice would be met if the Divisional Railway Manager, South Eastern Railway, Khurda Road is directed to dispose of this representation within reasonable time and intimate the result to the widow and the present petitioner. It is so ordered.</p>	
		<p>6. With the aforesaid observation, the</p>	

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<b>...3. 26.2.97 Contd.</b>	<b>admission is refused and the Original Application is dismissed.</b>	<i>John Mathew</i> <b>VICE-CHAIRMAN</b> <u>26.2.97</u>	Copies of order dt 26.2.97 may be delivered to the counsel for both sides.

*Mathew*  
10/3/97 S.O.(J)

*P. C. Jena*  
Received copy  
for applicant  
10/3/97  
Order no. 3. dt. 26.2.97

*Mathew*  
A copy of Order  
with copy of application  
may be sent to all  
respondents by regt  
post/AD.

*Mathew*  
1/4/97 S.O.(J)