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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 211 OF 1998.

Cuttack, this the 17th day of July, 2000.

BISHNU CHARAN DAS.

...

APPLICANT.

- VERSUS -

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)

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SOMNATH SON
VICE-CHAIRMAN

(10)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 211 OF 1998,
Cuttack, this the 17th day of July, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

..

Bishnu Charan Das, Aged about 34 years,
Son of Late Kasinath Das, At-Barala Pokhari,
Via-Charampa, PO: Hanuman Hata, Ps/Dist. Bhadrak. ... Applicant.

BY LEGAL PRACTITIONER: M/s. Chittaranjan Patnaik, S.C. Padhi, Advocates.

-Versus-

1. Union of India represented through its General Manager, South Eastern Railway, Calcutta (W.B.),
2. Zonal Manager, South Eastern Railway, Khurda Road, Khurda, At/PO/Dist-Khurda.
3. Senior D.P.O, South Eastern Railway, Khurda Road, At: Khurda Road, Dist: Khurda.

... Respondents.

By legal practitioner: M/s. S. Ray, A. Khan, Additional Standing Counsel

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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 compassionate appointment on account of the death of the father of the applicant Kasinath Das, who was working as Assistant Cook Loco, Bhadrak under the Respondent No. 3. Departmental Respondents have filed counter opposing the prayer of applicant.

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2. we have heard Mr. Chittaranjan Patnaik, learned Counsel for the Applicant and Mr. S. Ray, learned Additional Standing Counsel appearing for the Respondents and have also perused the records.
3. For the purpose of considering this application, it is not necessary to go into too many facts of this case. The admitted position is that the applicant's father Kasinath Das, while working as Assistant Cook Loco, Bhadrak, passed away on 23.10.1996.

Applicant states that his mother made an application on 1.12.96 at Annexure-2, stating that compassionate appointment may be given to the present applicant, her eldest son. But as no compassionate appointment was given to him, the applicant has come up in this original Application with the prayer referred to above.

4. Respondents in their counter have stated that the fact that the applicant's mother sent the representation dated 1.12.1996, at Annexure-2, is not acceptable because even though the application is stated to have been sent through proper channel, there is no endorsement on this representation. Moreover, it is stated that the applicant's mother, the widow of the deceased employee, filed a representation in April, 1997 in which she stated that the present applicant, the eldest son is employed in Bhadrak Municipality and is not looking after the family and has been separated from the family for eight years. In view of this, the widow prayed for granting compassionate appointment to her second son, Jagabandhu Das. Respondents have stated that considering the second representation of the widow of the Railway servant, the second son has been provided with compassionate appointment. As the purpose of giving compassionate appointment is for rehabilitating the family and one member of the family has to be provided with employment and as in this case one of the member of the family Jagabandhu Das, the second son has been provided with compassionate appointment, the applicant can not claim that he should be provided with compassionate appointment. Moreover, in the face of the averment made by the applicant's mother that the applicant has been separated from the family and got a job under Bhadrak Municipality the Railway Authorities did the right thing by considering the second son and giving him compassionate appointment. It is also seen that even though the applicant was aware that the Departmental Authorities have given compassionate appointment to his brother but he has not made his brother as party. He has filed an amendment

petition later, which is still pending for consideration. In view of this, we hold that the applicant has not been able to make out a case for any of the reliefs in this original Application. The original Application, is, therefore, rejected. The amendment petition also stands rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

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(SOMNATH SOM)
VICE CHAIRMAN

KNM/CM.