

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

On memo,

For admission.

By  
11/8/03

Bischi

Copy of order dt. 12/8/03  
issued to the counsel  
for both side.

A.S.  
S.O.

By  
12/9/03

Order dated 12.08.03

The Applicant in this Original Application has prayed for compassionate appointment of her second son Mr. Jyoti Prakash Dash in Railways on the ground that her elder son Mr. Beda Prakash Dash, who was selected by the Railway Recruitment Board, Bhubaneswar for the post of J.E.-II had died. It has been submitted that Mr. Beda Prakash died in a road accident before joining the post. The Applicant's case is that since Mr. Beda Prakash Dash was duly selected and had even deposited the requisite fees for his medical examinations, a condition precedent for joining the job offered it should be construed that he had accepted the offer of appointment and thereby became an employee of Railway. In the circumstances, the benefit of rehabilitation Assistant Scheme has to be extended to his family.

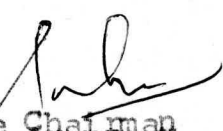
2. The Railway authorities, however, have denied the above contention of the Applicant vide their letter dated 28.10.02 (Annexure-V of this O.A.) stating that the request for such compassionate appointment is not covered under the rules. It is stated that, as per rule, appointment on compassionate ground is offered to one of the dependents of the Railway employee who dies in harness, while in service. In the present case late Beda Prakash had not become an employee of the Railway, therefore, a claim for such compassionate appointment as prayed for by the Applicant does not arise.

3. Heard the counsel for the Applicant and perused the records. In view of the admitted fact that late Beda Prakash had not joined the Railways and the rule position as contained in Railways' Boards' letter dt. 28.10.02 (Annexure-V), we hold that no prima facie case is made out and this O.A. is liable to be rejected at the admission stage. We order

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accordingly. No costs.

  
Vice Chairman

  
Member (Judicial)