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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

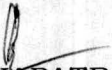
Original Application No.698 of 2006
Cuttack, this the ~~16th~~ day of April, 2009

Smt.Pilaka Gunnamma Applicant
Versus
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?


(JUSTICE K.THANKAPPAN)
MEMBER (JUDICIAL)


(C.R.MOHAPATRA)
MEMBER (ADMN.)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A.No.698 of 2006
Cuttack, this the ~~16th~~ day of April, 2009

C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
A N D
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

Smt.Pilaka Gunnamma, W/o.Late Poornavasulu (Ex-Sr.Tracknan PWI,Ompeta),aged about 55 years, house hold duties, resident of village & Post Jhadupudi, Via Kanchili, Srikakulam District, Andhra Pradesh, PIN Code No.532 291.

.....Applicant

By Advocate : Mr.B.P.Yadav.

- Versus -

1. Union of India represented by the Divisional Railway Manager, East Coast Railway, Khurda Road Division, DRM Office, Khurda Road, PO. Jatni, Khurda District Orissa.
2. The General Manager, East Coast Railway, General Manager Office, Chandrasekharpur, Bhubaneswar, Orissa.

....Respondents

By Advocate - Mr. M.K.Das.

O R D E R

Per- MR.C.R.MOHAPATRA, MEMBER (A):-

The undisputed fact of the matter is that Applicant is the widow of Late Poornavasulu. Late Poornavasulu died prematurely while working in the Railway as Sr.Trackman under PWI, Sompeta. He left behind his widow (Applicant in the present OA) and one daughter who was already married by that time. Thereafter, the applicant sought employment on compassionate ground. Alleging no consideration of her request, she approached this Tribunal earlier in OA No. 849 of 2005. This Bench of the Tribunal in order dated 28.10.2005 disposed of the matter at the admission stage with direction that the Respondents should consider and dispose of the pending grievance of applicant for providing employment in favour of

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the married daughter. In compliance of the said direction of this Tribunal, the Respondents considered but rejected the claim of the applicant on the following grounds:

“On going through the case, General Manager has regretted this case as there is no other member in the family except widow for whom the proposed married daughter has to act as a “bread winner”. Hence the conditions laid down in the relevant Board’s Circular/Instructions for this purpose are not fulfilled for offering the appointment to “married” daughter. The widow is getting family pension for her sustenance and there is no other dependants’ member as defined in the rules.”

2. By filing this Original Application the applicant challenges the said impugned order under Annexure-A/1 dated 27.3.2006 seeking the reliefs as under:

“to pass an order in favour of the applicant against the respondents to grant compassionate appointment to the daughter of the deceased Railway servant and to quash the final order as annexed annexure-A/1 and to pass such order as this Hon’ble Tribunal fit and proper in view of the facts and circumstances of the case”.

3. Respondents by filing counter opposed the prayer of the Applicant by reiterating the stand taken in the order of rejection under Annexure-A/1 and have prayed for dismissal of this OA.

4. Learned Counsel appearing for both sides have reiterated the stand taken in their pleadings and having given thoughtful consideration to the arguments advanced we have perused the materials placed on record including the decisions relied on by the Applicant in the cases of **Balbir Kaur and another v Steel Authority of India Ltd and others**, 2000 (4) ALT 65 (SC); **Chakradhar Das and another v Orissa Bridge and Construction Corporation Ltd etc.**, 1996 (I)OLR 263; and **K.Satyabati v Director, Elementary Education, Orissa, Bhubaneswar**, (1998)2 ATT (OAT) 61. Except
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reiterating the stand taken in the pleading by the applicant that the family is in indigent condition, no rule/instruction has been produced before us stating that married daughter can also be provided appointment on compassionate ground. Besides the above, it is seen that the applicant is in receipt of family pension. The decisions relied on by the Applicant do not also relate to the case of providing employment on compassionate ground to a married daughter. In view of the above, we find those decisions are of no help to the Applicant. Learned Counsel for the Applicant has also failed to prove that the married daughter is also coming under the definition of family of a deceased employee so as to be provided employment on compassionate ground.

5. In view of what has been discussed above, we find no merit in this OA. Hence this OA is accordingly, dismissed. No costs,

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(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)

C.R. Mohapatra
(C.R. MOHAPATRA)
MEMBER (ADMN.)