

O.A. No. 888/06

ORDER DATED 18<sup>th</sup> SEPTEMBER, 2008

Coram:

Hon'ble Mr. Justice K. Thankappan, Member (J)

Heard. The applicant, son of a deceased employee of the East Coast Railway has filed this Original Application for a direction to the Respondents to give him appointment on compassionate ground. The applicant submits that his father while working in the Railways died on 12.07.1976 and after the death of his father, the mother of the applicant had already filed an application for compassionate appointment and though was given an employment under the scheme, but she did not join. However, on 04.09.1979, the mother of the applicant also died leaving the applicant alone. At the time of the death of his mother, the applicant was only 10 years old. However, on attaining majority he filed an application on 14.07.1993. The said application was not responded by the Respondents. Hence, the applicant filed another representation on 25.01.1993. However, all these representations having been not considered by the Respondents, the applicant has filed the present Original Application before this Tribunal.

3. A counter has also been filed for and on behalf of the Respondents in which it is stated that as the mother of the applicant being the wife of the deceased Railway employee

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had already offered an employment on compassionate grounds scheme, the Respondents are not in a position to allow the request of the applicant. That apart it is stated in the counter affidavit that it is the matter of partly belated as the death occurred during 1976. And even after attainment of majority by the applicant on 01.07.1987, he remained silent till 01.12.1990.

4. In the above circumstances the culpable delay and laches and the fact that the mother of the applicant had already offered an employment, the Respondents have taken the stand that the matter cannot be considered.

5. After going through the averments in the O.A. and the stand taken in the counter affidavit, this Tribunal is of the view that the assistance under dying in harness the scheme, is only to help the family of an employee, who dies in harness to get over the immediate financial crisis faced by the family. That apart, it is an admitted fact that the mother of the applicant has already been offered an employment under the above scheme and at this belated stage, question of considering the application of the applicant is not tenable. Apart from that, the very nature of the appointment under the dying in harness scheme or the employment assistance scheme is not to give appointment to any person on the basis of the death of a Govt. employee but to give some assistance to the bereaved family of the Govt. employee. The relief sought for by the applicant to direct the Respondents to provide employment assistance to the

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applicant (B.Raja Rao) will amount to an deviation from the intention of the Scheme after a lapse of 30 years.

6. In the above circumstances, this Original Application being devoid of any merit is dismissed. No order as to costs.

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MEMBER (J)