

7

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK**

O.A.No. 377 of 2008  
Cuttack, this the 11<sup>th</sup> day of December, 2009

Ari Dalai .... 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.)

8

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

O.A.No.377 of 2008  
Cuttack, this the ~~Wednesday~~ of December, 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)

.....  
Ari Dalai aged about 24 years, son of Late Narayan Dalai, At-Kharilo,  
PO. Antia, Dist. Jajpur.

.....Applicant

Legal practitioner: M/s.R.C.Patnaik, M.Bisoi, A.Das, Counsel  
-Vs-

1. Union of India represented by its General Manager, East Coast Railway, Garden Reach, Kolkata(WB).
2. Divisional Railway Manager (P), East Coast Railway, Khurda Road, At/Po.Jatni, Dist. Khurda.
3. Deputy Chief Personnel Manager (C), East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist. Khurda.

....Respondents

Legal practitioner: Ms. T.Rath, Counsel

O R D E R

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

Seeking direction to the Respondents to provide employment on compassionate ground after the premature death of his father on 05.06.1999 while working in the Railway is the subject matter of consideration in this Original Application filed u/s.19 of the Administrative Tribunals Act, 1985. By filing counter, Respondents have brought to the notice of this Tribunal that class VIII pass is the essential qualification for being appointed in any Gr. D post in the Railway. Applicant sought appointment on compassionate ground by producing class VIII certificate. On verification from the school authority it was found that the applicant did not pass class VIII and had not been promoted to IX. Applicant produced two certificates one is at Annexure-R/7 showing that he was reading in Class IX and the other one is at Annexure-A/10 showing that the applicant was reading in Class VIII. In view of the above the matter was sent to the Head Master of the School. The Headmaster of Jenapur High School in letter under Annexure-R/11 intimated that Annexure-R/7

showing that the Applicant was reading in Class IX is not genuine. Besides, since more discrepancies were noticed due to which no appointment on compassionate ground was offered to the Applicant. No rejoinder has been filed by the Applicant contradicting the above stand taken in the counter by the Respondents. Heard the rival submission of the parties and perused the materials placed on record. It is contended by Learned Counsel for the Applicant that thereafter he studied in another school upto IX and intimated the fact to the Respondents and as such his case ought to have been reconsidered by the Respondents. But we do not find any substance in this submission when the very conduct of the applicant was found to be blameworthy. This-apart one cannot claim compassionate appointment as a matter of right. The father of applicant expired in the year 1999 and almost one decade meanwhile elapsed but the family is able to survive in the absence of any appointment on compassionate ground. In view of the above, we find no justifiable reason to interfere in the matter. This OA is accordingly dismissed. No costs.

Kappan  
(JUSTICE K. THANKAPPAN)  
MEMBER (JUDICIAL)

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