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**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 765 OF 2010
CUTTACK, THIS THE 9th DAY OF October, 2013

Rabinarayan Ghadei.....Applicant

Vrs.

Union of India & OrsRespondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ?


(A.K. PATNAIK)
MEMBER (JUDL.)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
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ORIGINAL APPLICATION NO. 765 OF 2010
CUTTACK, THIS THE 9th DAY OF October, 2013

CORAM :

.....
HON'BLE MR. A.K.PATNAIK, MEMBER (JUDL.)

Rabi Narayan Ghadei,
aged about 38 years,
Son of Late Jaya Ghadei,
of Village- Baral Pokhari,
PO- Charampa, Motongo,
Dist- Bhadrak
...Applicant

By the Advocates – M/s. S.B.Jena, S. Behera

-Versus-

Union of India represented through

1. General Manager,
East Coast Railway,
Rail Vihar, Chandrasekharpur,
Bhubaneswar-23.
2. Divisional Railway Manager (P),
East Coast Railway,
Khurda Road, At/P.O. Jatni,
Dist. Khurda.
3. Sr. Divisional Personnel Officer,
East Coast Railway,
Khurda Road, At/P.O. Jatni,
Dist. Khurda.

...Respondents

By the Advocates - Mr. P.C.Panda (For R-1, 2 and 3)

W.L.

ORDER

MR. A.K.PATNAIK, MEMBER (JUDL.):

The applicant, Sri Rabinarayan Ghadei son of late Jaya Ghadei, has filed this O.A. seeking to quash the orders dated 01.10.2009 and 20.07.2010 and to direct Respondent No.1 to reconsider the case of the applicant for appointment on compassionate ground.

2. Admittedly, the father of the applicant was working as Safaiwala in the Railways and while working as such he expired on 28.12.2004 in harness leaving behind two sons (applicant is the elder one). The applicant sought for compassionate appointment but the same was rejected as intimated to the applicant in letter dated 01.10.2009 on the following grounds:

“The ex employee expired on 28.12.2004, while his wife pre-deceased him on 24.12.2001. The employee left behind 2 major sons, aged 33 years and 32 years at the time of his death.

The age of the applicant is presently 38 years (it was 35 at the time of application) and would require age relaxation even for a group ‘D’ post. Since the employee did not leave behind any dependent family members, and the aim of compassionate ground employment is to provide succour and relief to dependent family members, there appears to be no justification for providing employment to the applicant in this case. Hence, the application cannot be considered”.

3. Thereafter, by making representation dated 15.10.2009, the applicant prayed to the General Manager for consideration of his grievance for providing employment assistance. Thereafter, by filing O.A.No. 605/09, the applicant sought direction to the Respondents to

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provide him appointment on compassionate ground. The said O.A. was disposed of by this Tribunal on 21.01.2010, relevant portion of which is quoted herein below:

“We have considered the additional prayer at length and perused the record. We found that as per provisions contained in the Railway Establishment Manual, the General Manager has got the power to relax the overage for appointment in the Railway under the compassionate appointment scheme. If so, it is only proper for Respondent No.1 to consider Annexure-A/8 representation and pass appropriate order thereon within a reasonable time, at any rate within 60 days of the receipt of the copy of the order and communicate to the same to the applicant within that time.”

4. As it appears, Respondent No.1 after considering the representation of the applicant rejected the same, which was communicated to the applicant by the Asst. Personnel Officer, E.Co.Rly., Khurda in letter dated 20.07.2010. Operative portion of the letter dated 20.07.2010 reads as under:

“That the representation under Annexure A/8 has been examined by GM/ECoR/BBS & has been decided that there is no justification for providing Employment Assistance to the applicant in view of the fact that, the ex-employee has no other family member except two adult sons of 38 & 37 years of age and that the compassionate appointment is considered for immediate relief to the bereaved family.”

5. Respondents have filed their counter in which it has been stated that compassionate appointment is provided to one of the members of the family of the Railway employee, who dies in harness while in service, to meet the sudden jerk caused to the family members after the death of the bread earner. In this case, mother of



the applicant predeceased the Railway employee. Two sons are not the dependant family members of the deceased railway employee as they were aged about 33 and 32 years respectively at the time of death of their father. Hence, there is no indigent condition in the family so as to extend the benefit of appointment on compassionate ground in the Railways. The General Manager considered the representation of the applicant with due application of mind and keeping in mind the relevant rules and instructions governing the field in the matter. Accordingly, the Respondents have prayed for dismissal of this O.A.

6. I have heard Mr. S.B.Jena, Ld. Counsel for the applicant, and Mr. P.C.Panda, Ld. Panel Counsel appearing for the Railways, and perused the materials placed on record.

7. I find that in pursuance of the order of the Tribunal dated 21.01.2010 in O.A.No. 605/09, the case of the applicant was reconsidered by the General Manager and rejected on the ground that "the ex-employee has no other family members except two adult sons of 38 and 37 years of age and that the compassionate appointment is considered for immediate relief of the bereaved family". It is also seen that by the time the O.A. was filed on 12.08.2010, the applicant was aged about 38 years. In this connection, it is profitable to take the extract of the relevant provision made in RBE No. 3/2009, which is quoted herein below:

"It is reiterated that at the time of considering such requests for compassionate appointments, the Competent Authority should satisfy himself/herself on the basis of a balanced and objectives assessment of the financial condition of the family that the grounds for compassionate appointment in such

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case is justified, having regard to the number of dependants, assets and liabilities left by the Railway employee, income of any member of the family, as also his liability, including the aspect of whether the earning member is residing with the family of the deceased employee and whether he provides any support to other members of the family. Other provisions contained in Board's letter No. E(NG-II/98/RC-1/64, dated 28.7.2000 (Bahri's RBO 114/2000, p-159) may continue to be followed.”.

8. Going through the aforesaid provision vis-a-vis the reason of rejection assigned by the General Manager in the letter of rejection dated 20.07.2010, I find no justification to interfere in the order of rejection. Hence, this O.A. stands dismissed. No costs.


(A.K.PATNAIK)
MEMBER (JUDL.)