

12 CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

OA No.243 of 2011
Cuttack the 13th day of February, 2014

CORAM

HON'BLE MR. A.K. PATNAIK, JUDICIAL MEMBER
HON'BLE MR. R. C. MISRA, ADMINISTRATIVE MEMBER

Jayadev Rout,
aged about 43 years,
Son of Late Ankura Rout,
At/P.O. Rupsa,
Dist;Balasore.

(Advocates: Mr. P.K. Routray)

...Applicant

VERSUS

Union of India Represented through

1. General Manager,
S.E. Railway,
Garden Reach,
Kolkata-43.
2. Divisional Railway Manager,
S.E. Railway, Kharagpur,
At/P.O./Dist-Kharagpur,
West Bengal.
3. Divisional Personal Officer,
S.E. Railway, Kharagpur,
At/P.O./Dist-Kharagpur,
West Bengal.
4. Station Superintendent,
S.E. Railway,
Basta Railway Station,
At/P.O.Basta,
Dist-Balasore.
5. Srikanta Mahanta (G.K./T.P.),
Armada Station, At/P.O. Kapei,
Via-Chitrada,
Dist.Mayurbhanj (Orissa)

..... Respondents

Advocate(s)..... Mr. S.K. Ojha

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O R D E R (Oral)

A.K.PATNAIK, MEMBER (J):

The case of the Applicant, in brief, is that his father while working in the Railway as a Token Porter died prematurely on 16.6.1967 when the applicant was aged about 45 days. He became major in the year 1985 and applied for appointment on compassionate ground. Thereafter alleging inaction he approached this Tribunal in OA No. 521/1995 which was dismissed on 28.12.2001. The said order of this Tribunal was challenged by the Applicant before the Hon'ble High Court of Orissa in WP (C) No.1984 of 2004 which was disposed of on 9.8.2005 in which the Hon'ble High Court while upholding the order of this Tribunal observed that in case any appointment has been given on compassionate ground after 17 years of the death of the employee to any of his dependant/legal heirs in any post then the case of the applicant may be considered on the same footing. Thereafter, the DPO,SERly,Kharagpur vide letter dated 08.12.05 intimated the Applicant that on verification of old records no case was found where appointment on compassionate ground has been provided after 17 years of death of the employee. The applicant, thereafter, cited the case of one Srikanta Mohanta whose father expired while working in the railway on 4.4.1984 and he was provided with employment assistance on compassionate ground after 17 years i.e on 21.1.2004 submitted representation dated 12.8.2007 praying for reconsideration of his case. Alleging inaction, applicant again filed OA No. 854 of 2010 which was disposed of on 10.1.2011 with direction to the Railway-Respondent to consider representation of the applicant and in compliance of the said

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order of this Tribunal, Respondents considered the representation but rejected the case of the applicant vide letter dated 23.3.2011. Hence this OA has been filed with prayer to quash the letter of rejection dated 23.3.2011 and to direct the Respondents to provide the applicant appointment on compassionate ground.

2. Counter has been filed by the Railway-Respondent in which they have strongly opposed the prayer of the applicant on various grounds such as the father of Srikanta Mahanta died on 1.8.1984. Srikanta Mahanta became major on 25.3.2000 and applied for appointment on compassionate ground on 28.6.2000 i.e. within two years after attaining majority in terms of Railway Estt. Srl. No.306 of 1999 whereas the applicant applied for appointment on compassionate ground much after attaining majority and he is more than 44 years age. In the circumstances, the Respondents have prayed for dismissal of this OA.

3. We have heard Mr.P.K.Routray, Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel appearing for the Respondents and perused the records. We find that the death of the father of the applicant was 47 years before. The applicant was aged about 43 when this OA was filed i.e. on 20th April, 2011 and, therefore, by now he must be more than 45 years old. Despite opportunity no rule or instruction has been produced by Learned Counsel for the Applicant that the scheme of compassionate appointment was in existence in the year 1967 when applicant's father expired. It is trite law that appointment on compassionate ground is not an alternate mode of employment. The very aim and object of providing appointment on compassionate ground is to allow the family members to over come the sudden financial crisis caused due to the death of



the sole bread earner of the family which in our opinion no more exists in the instant case. We also find that the case of Shri Mohanta is totally different and distinct to the case in hand. In view of the above, we find no merit in this OA and this OA is accordingly dismissed by leaving the parties to bear their own costs.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judicial)