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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

Original Application No. 260/00325 of 2015  
Cuttack, this the 21<sup>st</sup> day of June, 2017

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HON'BLE MR. R.C.MISRA, MEMBER (Admn.)

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Bukai Soren,  
aged about 23 years,  
S/o Late Hira @ Heera Soren,  
Ex- Multi Purpose Khalasi under  
PWI/Con./S.E.Railway/Paradeep,  
Resident of Railway Colony,  
PO- Charampa, Dist.- Bhadrak, Odisha.

.....Applicant.

(Advocates : M/s N.R.Routray, S.Sarkar, Smt. J.Pradhan, T.K.Choudhury,  
S.K.Mohanty )

VERSUS

- 1- Union of India represented through General Manager, East Coast Railway, E.Co.R Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
- 2- Chief Personnel Officer, E.Co.Rly., E.Co.R. Sadan, Chandrasekharpur, Bhubaneswar, Dist. Khurda.
- 3- Divisional Railway Manager, East Coast Railway, Khurda Road Division, At/PO- Jatni, Dist- Khurda.
- 4- Senior Divisional Personnel Manager, East Coast Railway, Khurda Road Division, At/PO- Jatni, Dist- Khurda.
- 5- Senior Personnel Officer/Con./Co-ordn., East Coast Railway, Chandrasekharpur, Bhubaneswar, Dist. Khurda.

.....Respondents

(Advocate: Mr. N.K.Singh)

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**R.C.MISRA, MEMBER (ADMN.) :**

The applicant, in the present case, is the son of late Hira @ Heera Soren, who was working as a Multi Purpose Khalasi in the South Eastern Railways and was posted at Paradip. She died on 06.03.1993 while in service. The family members, who survived the late employee, are her husband, two daughters and three sons. The applicant's submission is that after the death of the deceased employee, who was his mother, his father got remarried and started staying separately and did not look after the children. The applicant, on being a major, submitted a prayer for compassionate appointment to the Railway authorities. This application was processed and since certain discrepancies were noted in the contents of the application, the applicant was advised to rectify the same. Finally, however, the matter was submitted to the General Manager, East Coast Railways, Respondent No.1 in the present O.A. The General Manager, after considering the prayer, rejected the same as per letter dated 02.12.2014, which is challenged in the present O.A.

2. The applicant in his submission has mentioned that under the Compassionate Appointment Scheme, this case is fit to be considered since the mother, the deceased employee, had died prematurely at the age of 43 causing grievous loss to the family. The situation was aggravated because of the fact that the applicant's father married again and did not take any responsibility of the family of his first marriage.

3. On the other hand, Respondents in their counter affidavit have submitted that the applicant has not provided any proof regarding the submission that after the death of his mother his father did not look after his first family. More importantly, it is stated that the applicant's father, one Dukhi Shyam Soren was an employee of the Railways, who retired from service in the year 2013 and got his three daughters married. Thus, they have challenged the submission made by the applicant in this regard. It is alleged by the Respondents that the applicant already became a major in the year 2010 but he submitted his application for employment assistance three years after intentionally until his father retired in the year 2013. Further assuming that the applicant lost one of its earning members, it was still not in distress nor facing any financial hardship at the relevant point of time when his mother expired.

4. I have heard Mr. N.R.Routray, Ld. Counsel for the applicant, and Mr. N.K.Singh, Ld. Panel Counsels appearing for the Railways, and have also perused all the documents including the notes of argument filed by the Ld. Counsel for the applicant.

5. Ld. Counsel for the applicant, in his written notes of submission, has mentioned about the indigent condition of the family as reflected in the inquiry report. He has also submitted that the Scheme for Compassionate Appointment provides that such benefit should be considered either on the death of the husband or wife, whichever event occurs first. Therefore, his submission is that the case of compassionate



appointment should have been considered when the applicant's mother had expired. The General Manager is empowered to consider cases of compassionate appointment even after the lapse of a period of 20 years and, therefore, he should have considered this as a special case. However, on perusal of the impugned order dated 16.12.2014, read along with the order dated 02.12.2014, I find that the General Manager has regretted the matter in view of two reasons one of which is that the ex-employee died in the year 1993 and the application for employment assistance by the second son, Sri Bukai Soren, was submitted in the year 2013. Therefore, the main difficulty with this prayer for compassionate appointment is that the application itself was submitted in 2013 when the cause of action had arisen in the year 1993. Even if, the applicant submits that in view of the death of the ex-employee, who is the mother of the applicant, he should have been considered for compassionate appointment, I am not able to get any answer to the question as to why the application was submitted 20 years after the death of the ex-employee. Therefore, this is a valid ground of rejection by the Respondent No.1. Even if the General Manager has a special power to condone the delay up to 20 years, it would be after his satisfaction that he will exercise such a power. The Tribunal cannot give any direction in this regard since no facts have been brought to the notice of the Tribunal by which it would be convinced that the General Manager would consider this as a special case.



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6. I have also perused the order passed by the General Manager dated 02.12.2014 which is under challenge here. Two grounds have been taken by the General Manager to reject the prayer for compassionate appointment. The first ground is that the deceased employee expired in the year 1993 and the application for compassionate appointment by the son, who is the second son, was submitted in the year 2013, i.e. after a delay of 20 years. The second ground for rejection taken by the General Manager is that the husband of the ex-employee, i.e. the applicant's father, was also a Railway employee, who superannuated from service in the year 2013 and received pension and all other retirement benefits.

7. After due consideration of the arguments placed by the Ld. Counsels for both the sides, and also the purpose of the Compassionate Appointment Scheme in letter and spirit, I find that the grounds taken by the General Manager in rejecting the prayer for compassionate appointment are perfectly legitimate and valid. Compassionate Appointment Scheme does not confer any right on the applicant. The prayer for compassionate appointment has to be considered against the provisions of the Compassionate Appointment Scheme and also as per the underlying principles of such a scheme formulated by the authorities. Judged against the touch stone of the provision of the Scheme for Compassionate Appointment, in my opinion, impugned order being based on the legitimate grounds does not require to be

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*R* interfered with <sup>in</sup> any manner by the Tribunal. Thus, the O.A. being devoid of merit is dismissed. No costs.

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(R.C.MISRA)  
MEMBER(A)

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