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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 387 OF 2012

Cuttack this the 16th day of May, 2012

Kanita Bhati ...Applicant
-VERSUS-
Union of India & Ors. Respondents

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

...
ORDER

In this Original Application under Section 19 of the A.T.Act, 1985, applicant, daughter of deceased Railway employee, late Rajendra Bhati has prayed for direction to be issued to Respondent-Railways to give her engagement/appointment on compassionate grounds.

We have heard Shri U.K.Samal, learned counsel for the applicant and Shri S.K.Ojha, learned Standing Counsel for the Respondents and perused the materials on record.

It reveals from the record that applicant's father while working as Sr.Gangman under the Respondents Railway passed away on 5.5.1996. In the above background, applicant appears to have submitted an application to the Railway authorities vide Annexure-1 dated 5.11.1998 seeking appointment on compassionate ground. In response to this, Respondent-Railways, vide Annexure-A/2 dated 14.3.2007 turned down her request for compassionate appointment on the following grounds.

- i) You do not conform to the minimum educational criteria of Class-VIII for employment in Gr.D in the Railways
- ii) Relaxation in educational qualification as per provisions in RBE No.140/000 applies only in cases where the same is



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under process before 04.03.99 and therefore, the relaxation does not apply in your case.

On receipt of the above communication applicant remained silent and after preferring some representations, the last one being dated 5.1.2012, has moved this Tribunal with the prayer as referred to above.

Admittedly, the applicant's father passed away while in Railway service on 5. 5. 1996. It is also an admitted position that her request for compassionate appointment had been turned down by the Respondent-Railways vide Annexure-A/2 dated 14.3.2007. This by itself makes it amply clear that the family having survived for about 16 years, cannot take a plea that the family is in immediate need of compassionate appointment to mitigate the hardships caused to the bread earner.

For the reasons discussed above, we are of the view that the whole object and purpose of compassionate appointment to provide succour to the family at this stage to get over the immediate financial distress is negated.

In the circumstances, the O.A. is rejected at the stage of admission itself.

No costs.


JUDICIAL MEMBER


ADMINISTRATIVE MEMBER