

In the Central Administrative Tribunal
Calcutta Bench

OA No.884 of 1996

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Arun Kumar Sadhu

..... Applicant

Vs.

1) Union of India, thr. the General
Manager, Eastern Railway, Cal-1.

2) The Divisional Railway Manager,
Asansol.

..... Respondents

For the Applicant : Mr. B. Chatterjee, Ld. Advocate

For the Respondents: None

Heard on : 7-8-1998

Date of Judgement : 7-8-98

ORDER

The short question involved in this case is whether the respondents were justified ⁱⁿ for asking the production of succession certificate for the purpose of appointment on compassionate ground on account of death of father of the applicant of this OA who was medically decategorised by the respondents under the provision of the law as per order dated 4-8-1994 (Annexure A-1 to the application). The case of the applicant, in short, is that late Gopal Chandra Sadhu, Ex-Shunting Jamadar was medically decategorised on 8.7.1992 and subsequently he died on 21.7.1992. The applicant, previously along with his mother, approached this Tribunal by an application bearing No.591 of 92 for his appointment and that has been disposed of on 23.6.1994 with a direction upon the respondents to consider the case of the present applicant Shri Arun Kumar Sadhu who is now the present applicant of this case. Accordingly, the case was considered by the authority and a speaking order was passed on 4-8-94 (Annexure

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A-1 to the application) asking him to produce succession certificate for the said purpose.

2. Being aggrieved by and dissatisfied with the purported speaking order dated 4-8-94 issued by the respondent No.2 the applicant again approached this Tribunal with this application. None appears on behalf of the respondents. Respondents also did not file any counter-reply to the OA.

3. I have gone through the speaking order dated 4-8-1994. On a perusal of the speaking order it is found that the matter was referred to the Senior Law Officer for his opinion with regard to the entitlement of the applicant Shri Arun Kumar Sadhu for appointment on compassionate ground. The Law Officer opined in this letter dated 7-2-1994 that in view of the above contending claims by the rival parties, production of succession certificate may be insisted upon to obviate intra family feud. In view of the aforesaid circumstances, I find that the right of appointment on compassionate ground is not covered by the Succession Act. Such appointment is not a right of inheritance. The object of the Scheme is to provide employment to the indigent ^(members of) family of the deceased government employee to tide over the family crisis due to the unfortunate death of the bread-earner of the family. It is also found that the rival parties of the applicant Shri Arun Kr. Sadhu and Smt. Sankari Sadhu, a title suit bearing No.34 of 1994 was filed by one Smt. Naharbala Sadhu claiming to be legally married wife of late Gopal Chandra Sadhu. But the title suit has been dismissed by the Civil Court by a judgement dated 25-8-98 (Annexure A-3 to the application). Id. Advocate Mr. Chatterjee for the applicant submits that till date no appeal has been filed by the plaintiff Smt. Naharbala Sadhu against the said judgement. In view of the aforesaid circumstances, I find that there is no legal impediment on the part of the respondents to consider the case of the applicant for the purpose of appointment on compassionate ground. In

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view of the aforesaid circumstances, I hold that the respondents are ^{not} justified by asking him to produce succession certificate and the respondents should re-consider the matter of the appointment of the applicant Shri Arun Kumar Sadhu on the basis of the observations made above and to pass appropriate order regarding appointment of the applicant within three months from the date of communication of this order, if he is otherwise eligible. And with this observations, application is disposed of awarding no cost.

[Handwritten Signature]
(D. Purkayastha)
Member(J)