

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.909 of 1996

Date of Order : 22.7.1999

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.

TAPAN KUMAR MAITY (DAS)

Vs.

UNION OF INDIA & ORS.
(EASTERN RAILWAY)

For the applicant : None

For the respondents: Dr.(Ms.) S.Sinha, counsel.

ORDER

None appears for the applicant when the matter is called on for hearing. Dr.(Ms.) S.Sinha is present on behalf of the respondents. No reply has been filed.

2. I have gone through the application and the annexures thereto.
3. In this O.A., the applicant claiming himself to be the adopted son of one Manindra Nath Das, ex-Peon under CTCI(G), Sealdah, has prayed for an appointment on compassionate ground. It is his case that his adopted father expired on 17.6.1990 in harness. The applicant before filing this O.A.

filed another O.A. being 595 of 1992 before this Tribunal for releasing him the dues of his ~~adopted~~ father and also for giving him an appointment on compassionate ground. The applicant was, however, permitted to abandon the prayer for appointment on compassionate ground with liberty to file a separate application for the same (vide annexure 'A' dated 30.5.1996). In pursuance of the said leave, the instant application has been filed.

4. I have carefully gone through the averments made in the application as well as the annexures thereto. No material particulars have been disclosed in the O.A. except a specific averment that the applicant is the adopted son of the said deceased employee and as such, he is entitled to all service benefits due to the death of his ~~adopted~~ ^{adoptive} father including an appointment on compassionate ground. There is no averment whether the deceased employee left behind a family which was to be maintained by the applicant and for that the family so left behind was passing through financial hardship and crises for which such appointment was called for. It appears from the averments that the applicant is the only person left behind by his ~~adopted~~ ^{adoptive} father. He is a major. Provisions for compassionate appointment, in my view, cannot be attracted to this case.

5. The application has no merit at all. It is dismissed.

6. No order is made as to costs.

S. N. Mallik
(S.N. Mallik)
Vice-Chairman