

16

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR**

Original Application No. 127/2005

Date of decision: 22.02.2006.

Hon'ble Mr. Kuldip Singh, Vice Chairman

Smt. Madhuri, w/o late Shri Jathu Singh Ex. Diesel Assistant, by caste Rajput, aged 40 years r/o Loco Colony, Jodhpur.

: Applicant.

None present for the applicant.



VERSUS

1. The Union of India through its General Manager North Western Railway, Jaipur.
2. The Divisional Railway Manager, North Western Railway, Jodhpur.
3. The Divisional Mechanical Engineer, North Western Railway, Jodhpur.

: Respondents.

Rep. By Mr. C.S. Kotwani : Counsel for the respondents.

ORDER

Per Mr. Kuldip Singh, Vice Chairman.

The applicant in this O.A. is the widow of late Shri Jethu Singh, who was working as Diesel Assistant under the respondents. Unfortunately he expired on 29.08.2004 while in service leaving behind his family in financial distress. The applicant has filed the present O.A seeking a direction to the respondents that she may be granted appointment on compassionate grounds.

2. The respondents are contesting the O.A by filing a detailed reply. The main ground taken by the respondents is that late

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Shri Jethu Singh had never made any declaration during his life time about his marriage to the respondents and there is no entry in the service book in this regard and such the OA itself is not maintainable. The respondents have also submitted that neither in the provident fund account nor in the proforma for obtaining railway free pass, the applicant had ever mentioned that he is married to the applicant.

3. I have heard the learned counsel for the respondents and perused the pleadings and records of this case very carefully. It appears that the respondents have not conducted any inquiry nor passed any formal order rejecting her application for compassionate appointment. On the contrary, the pleadings suggests that the husband of the applicant was a low paid employee and he may have got married after joining the service and he would have failed to inform about his marriage to the authorities. When the applicant submitted her application for appointment on compassionate grounds, the duty cast on the respondents was that they should have conducted an inquiry and find out whether the applicant is the wife of late Jethu Singh or not and they should have conducted an inquiry regarding the fulfillment of the conditions for grant of compassionate appointment to the applicant and thereafter they should have passed a reasoned order, whether to grant compassionate appointment or not. But the fact remains that the respondents have not passed any order on her representation regarding the appointment on compassionate grounds. The learned counsel



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for the respondents, however, argued that the applicant should have produced the succession certificate to prove that she is the legally wedded wife of late Shri Jethu Singh.

4. In my considered view such succession certificate is not required to be procured, rather it is incumbent on the part of the respondents to conduct an inquiry and come to the conclusion as to whether the applicant is a member of the family of deceased Railway Servant; whether the applicant is in indigent condition or not and whether she deserves appointment on compassionate grounds or not as per the scheme of grant of compassionate appointment.

5. As the respondents have not conducted any inquiry in this regard, I am of the considered opinion that this O.A can be disposed with a direction to the respondents to conduct an inquiry in accordance with the rules on the subject and decide whether the applicant is eligible for appointment on compassionate grounds or not. Ordered accordingly. The inquiry may be conducted and a speaking order may be passed within a period of four months from date of receipt of a copy of this order. In case any grievance survives thereafter the applicant shall be at liberty to approach this tribunal. O.A is disposed of as above. No costs.


(Kuldip Singh)
Vice Chairman.