

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00301/2014
with MA No.290/00327/2014

RESERVED ON: 03.05.2016

Jodhpur, this the 6th day of May, 2016

CORAM

Hon'ble Ms. Praveen Mahajan, Administrative Member

Jugal Kishore s/o Shri Ladu Ram, aged about 23 years, r/o Atusar Bass, Tausar, District Nagaur (Rajasthan).

Post- The brother of the applicant Shri Jai Prakash was holding the post of Ticket Collector in the respondent department.

.....Applicant

By Advocate: Shri K.D.S.Charan on behalf of Shri Kuldeep Mathur

Versus

1. The Union of India through the General Manager, Northern Western Railway, HQ Office, Jaipur, Rajasthan.
2. The Deputy Chief Personnel Officer (HRD), Northern Western Railway, Jaipur, Rajasthan.
3. The Divisional Railway Manager (P), Northern Western Railway, Jodhpur, Rajasthan

.....Respondents

By Advocate : Shri Vinay Chhipa

ORDER

Jodhpur
Considered the Misc. Application No.290/00327/2014 for condonation of delay in filing the OA and in the interest of justice,

2. Brief facts of the case are that father of the applicant died in harness on 27.04.2003 leaving behind a huge family in financial distress. The respondents, after receiving application from brother of the applicant granted him compassionate appointment on the death of his father. Unfortunately, shortly thereafter, the brother of the applicant also became seriously ill and subsequently died on 28.10.2005. The mother of the applicant sought compassionate appointment which was denied as per the rules. The applicant then applied for compassionate appointment which could not be given to him on account of his being minor. Subsequently, the applicant applied for compassionate appointment on 24.02.2010 which has now been rejected vide order dated 17.01.2012 (Ann.A/1) which is the subject matter of the present OA.

3. The learned counsel for the respondents argues that the OA is not maintainable on account of delay and also on account of there being adequate means of earnings already available to the family of the applicant. He also argues that the report of the Welfare Inspector, which was favourable to the applicant, does not confer any legal right on the applicant to demand compassionate appointment. The learned counsel further argues that the family is having a residential plot upon which house is

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constructed, besides this, the family is also having 10 Bighas of agriculture land.

4. The learned counsel for the respondents cited a number of cases in support of his contention, but these are not applicable in the facts and circumstances of the present case.

5. On going through the facts of the case, I observe that the family has been hit by misfortune not once but thrice over. First, the father of the applicant died in harness in 2003, later, his brother also died in 2005 after serving the Department for about 10 months and now his own application has been rejected by the respondents in a very casual manner. The report of the Welfare Inspector dated 04.10.2010 (Ann.A/4) very categorically states that the family is in dire financial stress. He has recommended that keeping in view the pathetic economic status of the family and the social obligations, case of the applicant deserves sympathetic consideration. Though, I agree that report of the Welfare Inspector does not give legal right to the applicant, but the very post of the Welfare Inspector has been created by the Department to verify the circumstances of the case and facilitate the Department in making a fair assessment for granting, or, otherwise, of compassionate appointment. Hence, it forms the basis for helping the respondents in coming to a ^{just} decision and is a

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further finds support from the observations of the letter dated 22.12.2011 addressed to the General Manager, NWR, HQ Office, Jaipur by the office of DRM, North Western Railway, Jodhpur (Ann.A/5). It **categorically states that the applicant is a dependent of the deceased employee**. The pensionary benefits given to the mother of the applicant are only those which were due to her on account of death of her husband in the year 2003.

6. I think, the whole case has been dealt with rather casually and without keeping in mind the misfortune which has befallen the family of the applicant. Ironically, the definition of "**adequate means of earnings**" as elaborated by the respondents, is grant of meagre sum of Rs. 3967/- plus DA given to the mother of the applicant by way of family pension !! The respondents have not kept in mind the fact that the financial crisis and circumstances due to which the respondents gave compassionate appointment to the applicant's elder brother, stood further worsened, by his death. In her statement dated 17.03.2010, the applicant's mother has categorically stated that the pension is her only source of income and that the pensionary benefits (about 35,000) received have been spent in repaying the loan taken for her daughters' weddings and on her son's education. Her day today needs and social obligations are met by taking loans from friends and family.
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The grounds of rejection given by the respondents in letter dated

17.01.2012 (Ann.A/1) are contradictory to the finding of DRM in letter dated 22.12.2011, cited above.

7. In view of the facts discussed, I direct the respondents to reconsider the case of the applicant for grant of compassionate appointment by considering their financial status and all other relevant facts, within a period of four months from the date of receipt of a copy of this order.

8. OA and MA stand disposed of in above terms. No costs.

Praveen Mahajan
(PRAVEEN MAHAJAN)
Administrative Member

R/