

In the Central Administrative Tribunal
Calcutta Bench

OA No.71 of 1997

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

Rahi Das

..... Applicant

- Vs. -

1. Union of India, through the
General Manager, South Eastern
Railway, Garden Reach, Calcutta.

2. Divisional Railway Manager,
South Eastern Railway,
Chakradharpur.

..... Respondents

For the Applicant : Dr. (Ms) S. Sinha, Advocate

For the Respondents: Mr. P.C. Saha, Advocate

Heard on : 2-9-98

Date of Judgement : 2-9-98

ORDER

This application was filed by one Shri Rahi Das, brother of the deceased railway servant late Alekh Das, Ex-T.P.(Optg.) BRMP for compassionate appointment on the ground that his brother Alekh Das died in harness on 27.10.84 leaving his widow wife and two minor daughters. But widow remarried another person leaving the children on the applicant. It is stated by the applicant that since the dependents of the deceased employee had been left with the applicant, thereby he is entitled to get compassionate appointment due to pre-mature death of Alekh Das who died in the year 1984. So, applicant approached the authority for getting appropriate relief after writing representation which was not considered by respondent authorities till date. Hence, the applicant filed this application before this Tribunal for getting appropriate relief.

2. Respondents submitted written reply denying the claim of applicant stating that the scheme framed by the department for the purpose of appointment on compassionate ground does not cover the case of the applicant and it is stated that they did not receive any representation from the applicant for getting appointment on compassionate ground. It is also stated that application is a belated one, thereby compassionate appointments to sons and daughters are not in operation. Moreover, the minor children of Alekh Das have become major in the meantime.

3. I have considered the submission of Lt. Advocate Dr. S. Sinha on behalf of the applicant who submits that the daughters of the deceased railway servant late Alekh Das are still minors. But the facts remain that Alekh Das died in 1984 and applicant has come with this application on 21.1.97 after 13 years. It is stated in the application that this Tribunal considered the similar case even after 13 years in a case filed by Saira Khatun Vs. Union of India & Ors in O.A. 286 of 1993 and O.A. 123 of 1994. Lt. Advocate for respondents submits that the case is barred by limitation. So, there is no scope for appointment on compassionate ground. I have considered the submissions of Lt. Advocates for both the parties and I find that the controversy regarding appointment on compassionate ground is no longer res-integra due to the judgement passed by the Hon'ble Supreme Court in Umesh Kumar Nagpal - Vs. - State of Haryana reported in 1994 SC 448 and Jagadish Prasad - Vs. - State of Bihar reported in SCC (L&S) 303 where the Lordship categorically opined that belated claim cannot be entertained on the ground that sons and daughters attain the majority after 12 or 13 years. Such consideration cannot be kept binding in force in the matter of compassionate appointment. In view of the aforesaid decision of the Hon'ble Appex Court, I do not find any merit in the applicant. Thereby, application is dismissed awarding no costs.


(D. Purkayastha)