

Central Administrative Tribunal
Calcutta Bench

OA No.804 of 1997

Present : Hon'ble Mr. D. Furkayastha, Member(Judicial)

Smt. Bahamoni & Anr.

.... Applicants

Vs.

South Eastern Railway

.... Respondents

For the Applicant : Dr. S. Sinha, Ld.Counsel

For the Respondent : Mr. P. Chatterjee, Ld.Counsel

Heard on : 16-4-98

Date of Judgement : 16.4.98

Heard Ld.Advocates of both the parties over an application for appointment of the applicant No.2 on compassionate appointment on the ground that the husband of the applicant No.1 and father of the applicant No.2 was ex-Mate under CPWI-I/Bandamunda, CKF, South Eastern Railway died on 10-10-76 in harness while in service. According to the applicant No.1, applicant No.2 was minor at the time of death of his father. Applicant No.2 attained majority since 1986. Thereafter she made a representation to the Sr.Divisional Personnel Officer (R&R), S.E.Railway, Chakradharpur through proper channel for appointment of applicant No. 2 on compassionate ground. Thereafter they remained silent till 30-8-1990. According to the applicant, she made representation again on 30-8-90 (Annexure A page 9 to the application) stating that since her son was minor, no employment assistant was given and her family is in distress. Thereby the applicant No.2 might be absorbed in class IV post on compassionate ground. But no action has been taken by the respondents on that representation dated 30-8-90. Thereafter she made another representation on 16-3-95 vide Annexure 'A-10' in this regard and

she filed this case before this Tribunal on 17-7-97 seeking direction upon the respondents for consideration of appointment of the applicant No.2 on compassionate ground as prayed for. In view of the memorandum bearing No.Estt.Serl.No.111/90 dated 16-5-90, the case is registered by the respondent by filing a written reply and denying the claim of the applicant stating, inter-alia, that they did not receive any representation dated November, 1986 from the applicant No.1 and they stated that the application is barred by limitation and the applicant is not entitled to get any benefit of appointment on compassionate ground since they filed this application after 14 years after the death of the railway employee. Heard Ld. Advocates of both the parties. Ld.Advocate Dr. Sinha, appearing on behalf of the applicant, submits that as per memorandum dated 16-5-90 the department is entitled to consider the case of appointment by granting relaxation of 10 years from the date of death of the employee when the applicant was minor at the time of death of his father. Mr. Chatterjee, Ld.Advocate, appearing on behalf of the respondents, has drawn my attention to the school leaving certificate (Annexure 'C') and scheduled caste certificate dated 19.12.88 and submits that all the documents were procured by the applicant after 1988. So story of the representation in the year 1986 cannot be accepted. I have considered submissions of both the parties in this regard. Now it is a well-settled law that compassionate appointment cannot be enforced as a matter of right and that scheme does not confer any vested right upon the applicant for getting benefit of compassionate appointment in case of death of railway employee unless it is proved that the applicant has right for getting appointment on compassionate ground and that should be done immediately after the date of death of the deceased government servant to meet the pecuniary loss to the family due to loss of bread-earner of the family. It is now well settled law that mere death of employee does not entitle to family member to get appointment on compassionate ground. In the instant case the railway servant died in the year 1976 and the applicant No.1 did not apply for appointment on compassionate ground till attaining