

In The Central Administrative Tribunal  
Calcutta Bench

OA 968 of 1997

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

- 1) Smt. Kausalya Kumari Paul, wife of late B.D. Paul, ex-CTNC under Yard Master Mandamunda, Chakradharpore, residing at C/o Babulal Kundu, Vill & P.C. Kalimati, Dist: Purulia.
- 2) Sarat Chandra Paul, son of late B.D. Paul, ex-CTNC under Chief Yard Master, Bandamunda, Chakradharpore, residing at C/o, Babulal, Kundu, Vill & P.C. Kalimati, Dist: Purulia.

..... Applicants

- Versus -

- 1) Union of India, through the General Manager, South Eastern Railway, Garden Reach, Calcutta.
- 2) The Divisional Personnel Officer, South Eastern Railway, Chakradharpore, Bihar.

..... Respondents

For the Applicants : None

For the Respondents : Mr. P. Chatterjee, Counsel

Heard on : 21-03-2001

Date of Order : 21-03-2001

ORDER

None appears on behalf of the applicant Smt. Kausalya Kumari Paul. Ld. Counsel Mr. P. Chatterjee appears on behalf of the respondents.

2. I have gone through the application and it is noted by me that applicant No.1 applied for appointment on compassionate ground against the retirement quota <sup>in favour of her son (applicant no.2)</sup> stating, inter-alia, that her husband retired from service on 31.5.82. At the time of his retirement there was a circular for appointment on compassionate ground who had retired on 23.3.69. But at the time of his retirement he could not represent before the concerned authority for an appointment <sup>against</sup> on retirement quota

Contd....

as his son was under age. It is also stated by the applicant No.1 that in the meantime her husband died on 5-8-1993. Thereafter, applicant No.1 made an application for appointment in favour of her son against retirement quota under the provision stated in the Circular dated 23.3.89. But the respondents did not grant the benefit. Hence, she approached the Tribunal.

3. Respondents file reply to the O.A. denying the claim of the applicant. It is stated by the respondents that it is not in the knowledge of the respondents that the retired employee died on 5.8.93. and there is no provision in the Railways for appointment against the retirement quota. As regards the circular dated 23.3.89, the applicants may be called upon to produce a copy of the same to deal with their claims. However, as per record no such circular dated 23.3.89 was issued by the respondents. But respondents in the reply stated that a bulk of sanction for engagement of fifteen hundred casual labourers for a period of six months was received from the General Manager, South Eastern Railway, with sanction of recruitment of fresh faces to the extent men from Live Casual Register and Construction Organisation were not available. To tide over the situation a circular was issued on 5-10-89 for forming a list of candidates for engagement against the above sanction. It may be seen from item 2 thereon that retiring/retired employees during 31.8.88 and 30.9.92 were eligible to submit application provided no other son was working the Railway. The age limit was prescribed in para 5(a) which should have been within 18 to 28 years as on 1.10.89. It was also stipulated in para 9 of the circular that the last date of receipt of the applications was laid down as 18.10.89 and no application received thereafter was acceptable. It is also stated that two retired employees cited by the applicants had fulfilled all the criterion and submitted applications for their sons. The applications being eligible their sons were called for the screening test and engaged as casual labourer after being found suitable. Therefore there was no illegality or irregularity in their engagement. In respect of the <sup>present</sup> applicants, it is stated that the Railway employee in the instant matter retired on 31.5.1982 was not eligible as per the

circular dated 5.10.89. Applicants themselves stated that the railway employee retired on 31.5.1982 and when the application was called under circular dated 5.10.89, the applicant No.2 was minor and none of the criteria laid down in the circular dated 5.10.89 could be fulfilled by the applicants and they were not covered by the Scheme. So, application is devoid of merit and liable to be dismissed.

4. I have gone through the records and I have heard Id. Counsel Mr. Chatterjee on behalf of the respondents who submits that there is no provision for appointment against the retirement quota and applicants did not enclose any other circular claiming the benefit of appointment against the retirement quota. On a perusal of the said circular dated 4-10-89 (Annexure-R/1 to the reply) I am of the view that applicant is in no way eligible since compassionate appointment is not an enforceable right on the applicant. Admittedly railway employee died in the year of 1993. So, scheme framed by the Government cannot be operative for unlimited period. In view of the aforesaid circumstances, application is devoid of merit and liable to be dismissed. Accordingly, it is dismissed.

*D. Purkayastha*  
21/3/2001  
( D. Purkayastha )  
Member (J)

DKN