

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

OA No. 494 of 1997

Dt: 7-4-98

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

R.G. Mukherjee & Anr.

Vs.

South Eastern Railway

For the Applicant : Mr. A. Chakraborty, Id. Advocate

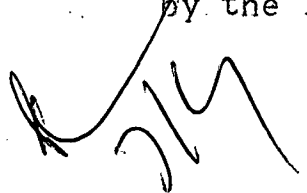
For the Respondents: Mr. P. Chatterjee, Id. Advocate.

Heard on : 7-4-1998

Date of Judgement :

O R D E R

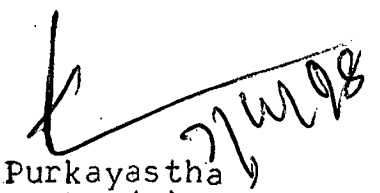
Heard Id. Advocate Mr. Chakraborty, appearing on behalf of the applicant and also Id. Advocate Mr. Chatterjee, appearing on behalf of the respondents. No reply has been ~~filed by the~~ respondents. I have gone through the application and it is found that the applicant had approached this Tribunal for enforcing his right of compassionate appointment by filing this application bearing No. OA 277 of 1993 and that application was allowed with direction upon the respondents to pass reasoned order for the purpose of appointment of the applicant in this case. Accordingly, the respondents considered and decided the case of the application by passing speaking order and that has been communicated to the applicant vide letter dated 27-10-87. Id. Advocate Mr. Chakraborty submits that the application was rejected on the ground that his son is working in the Railway Department and employment of his son in the Railway Department would not justify the rejection of the case of the applicant in view of the judgement of the Hon'ble Apex Court. Id. Advocate Mr. Chatterjee, appearing on behalf of the respondents, submits that in pursuance of the direction given by the Tribunal, the matter was considered by the respondents and



speaking order has been passed. So, there is no ground for giving relief to the applicant by giving appointment on compassionate ground. Mr. Chatterjee referred to the decision of Umesh Nagpal's case of the Hon'ble Apex Court reported in 1994 (4) SCC 448. I have considered the submissions of both the parties and I have gone through the impugned order or decision communicated to the applicant vide letter dated 27-3-97. On careful perusal of the said order it is found that the reasoned order has been passed.

2. In this connection it is found that the husband of the application No.1 retired from the service before attaining the age of superannuation i.e. he retired from the service at the age of 57 years; though the due date of retirement on superannuation is 60 years. Hon'ble Supreme Court categorically opined that the scheme of the compassionate appointment does not confer any vested right upon the member of the family of the deceased ~~railway~~ servant to get compassionate appointment unless it is proved that family is in distress. The whole object of granting compassionate appointment or employment is thus to enable the family to tide over the sudden crisis. *No case could be made out by the applicant for granting relief in this application.*

3. Accordingly, the application is devoid of merit. Hence, it is dismissed awarding no costs.


(D. Purkayastha)
Member(J)