

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 464/93

Tuesday, the eleventh day of January, 1994

MR. N. DHARMADAN MEMBER (JUDICIAL)

MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

1. A. Appukutty, Ex-Gangman
Arupuzha House, P.O. Parali, Palghat
 2. A. Deviyani, d/o Appukutty
Arupuzha House, P.O. Parali, Palghat
- Applicants

By Mr. P. Ramakrishnan, Advocate

vs.

1. The Union of India represented by the
Secretary, Ministry of Railways, New Delhi
 2. The General Manager, Southern Railway,
Madras
 3. The Divisional Railway Manager, Southern
Railway, Palghat
 4. The Divisional Personnel Officer
Southern Railway, Palghat
- Respondents

By Advocate Mr. P.A. Mohammed

ORDER

N. DHARMADAN

A question of compassionate appointment for the second applicant, the eldest daughter of first applicant arises for consideration. The first applicant retired from service on account of medical unfitness on 28.11.75. At that time, the daughter was a minor. She attained majority in 1986. Immediately Annexure-II representation was filed by the first applicant on 2.7.86 for considering his eldest daughter for compassionate appointment in view of the difficulties of the family, which consists of five children and the applicant, with meagre family pension the family cannot maintain. This application was disposed of by the impugned order Annexure A-III after about 5 years. The order reads as follows:

"Your request for providing appointment to your daughter Kum. A. Deviyani on compassionate grounds on Railways has been considered by the competent authority and it is regretted to advise that your request has not been agreed to."

2. The respondents have no case that the family is sufficiently possessed of means and thereby no compassionate appointment is needed. On the other hand, they have stated that the application for compassionate appointment was filed only after 10 years. Eventhough, General Manager recommended the case for consideration as a special case, the Railway Board rejected it by Annexure R-1 order. The order reads as follows:

"Your railway's proposal for relaxation of time limit for considering the appointment of Kum. Devayani daughter of late Shri A. Appukutty on compassionate grounds has been considered by the Ministry of Railways but the same has not been agreed to."

3. Respondents had admitted that there is some delay in disposing of Annexure-II representation. However, according to the Railway, in the light of Annexure R-1, the original application is liable to be dismissed.

4. From a reading of the impugned order as also Annexure R-1 it is seen that applicant's grievance has not been properly considered in accordance with law. No reason is mentioned for treating the applicant's case as a special case in accordance with the relevant instructions of the Railway Board dated 21.8.87, for relaxation of the period. In appropriate cases in which it is not possible to file the application for compassionate appointment within the period of 10 years, the Railway use to relax the same and consider grant of reliefs.

5. In the instant case, the applicant has got convincing reason. At the time of declaration of the first applicant as medically unfit for the job, the children were minor. The first applicant has put in 15 years of service and according to the applicant the family is in indigent circumstance and compassionate appointment is necessary for the maintenance of the family. These circumstances were not considered by the Railway Board in the light of the provisions laid down by their instruction dated 21.8.87. Since we are

satisfied that there is no proper consideration of the grievance of the applicants, we are of the view that the impugned order cannot be sustained. Accordingly, we set aside the order Annexure A-III and sent back the matter to the first respondent for a proper consideration and disposal of the claim of the applicants for compassionate appointment treating it as a special case. This shall be done within a period of four months from the date of receipt of the copy of this judgment.

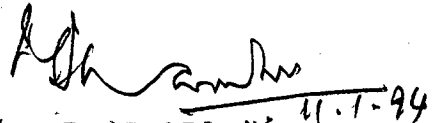
6. The application is disposed of as above.

7. There shall be no order as to costs.



(S. KASIPANDIAN)
MEMBER (ADMINISTRATIVE)

kmm



(N. DHARMADAN)
MEMBER (JUDICIAL)