

केन्द्रीय प्रशासनिक अधिकरण न्यायपीठ में
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

आदेश पत्र
ORDER SHEET

आवेदन सं० 19 का
ORIGINAL APPLICATION No.

9/2001
-199

आवेदक
Applicant (s)

M. P. Hemalatha

प्रत्यर्थी
Respondent(s)

201, Secy., M/o Rlys.,
New Delhi and OR

आवेदक (आवेदकों)

की ओर से अधिवक्ता

Advocate for
Applicant(s)

Mr. T. C. Govindaswamy

प्रत्यर्थी (प्रत्यर्थियों)

की ओर से अधिवक्ता

Advocate for
Respondent(s)

रजिस्ट्री के टिप्पण
Notes of the Registry

अधिकरण के आदेश
Orders of the Tribunal

प्रस्तुतीकरण की तारीख : 21-12-00
Date of Presentation :

पंजीकरण की तारीख : 2-1-01
Date of Registration :

विषय : *Compassionate*
Subject : *Apptt.*

तेनाती की तारीख : 3-1-01
Date of posting :

sup
2-1-01

3-1-2001

C-II

5) Mr. TCG Swamy
Mr. Karthikeya Panicker

Heard. Orders pronounced in the open
Court.

AMS (JM)
3-1-2001

ak.

Final Order issued.

04/1/01

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 9 of 2001

Wednesday, this the 3rd day of January, 2001

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. M.P. Hemalatha,
D/o late Smt. M.C. Janaki,
Mangattunjalil House, Irunilamcode PO,
Mullurkara, Trichur District. ...Applicant

[By Advocate Mr. T.C. Govindaswamy]

Versus

1. Union of India represented by
the Secretary to the Govt. of India,
Ministry of Railways, Rail Bhavan, New Delhi.
2. The General Manager,
Southern Railway, Head Quarters Office,
Park Town PO, Madras-3
3. The Executive Engineer,
Southern Railway (Construction), Ernakulam.
4. The Chief Engineer, Southern Railway,
Construction, Egmore, Madras. ...Respondents

[By Advocate Mr. K. Karthikeya Panicker]

The application having been heard on 3rd of January, 2001,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A9 and to direct the respondents to offer her a compassionate appointment forthwith against any post under them commensurate with her educational qualification and suitability.

2. The applicant says that she is the daughter of late M.C. Janaki, Woman Mazdoor (Treated as Temporary) who passed away while in Railway service on 4-7-1989. She was hardly 14 years old at the time of the death of her mother. She attained

majority on 15-9-1993. On 7-9-1994 she submitted a representation to the 4th respondent for a compassionate appointment. Seeing no response to any of the representations submitted by her and aggrieved by A4 order, she approached this Bench of the Tribunal by filing OA 56/1999. That OA was disposed of permitting her to submit a comprehensive representation to the 2nd respondent. Aggrieved by the order passed in pursuance of the order in OA 56/1999, she again approached this Bench of the Tribunal by filing OA 555/2000. That OA was disposed of quashing A7 and directing the 2nd respondent to consider the representation and pass a speaking order. In pursuance of the same, A9 the impugned order was issued.

3. As per A9, the applicant's request for compassionate appointment has been rejected on various grounds including that there appears to be no extreme hardship faced by the applicant meriting special consideration.

4. In Sanjay Kumar Vs. State of Bihar and Others [2000 AIR SCW 3082], it has been held that:

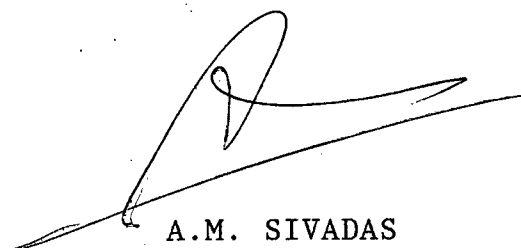
"We are unable to agree with the submissions of the learned senior counsel for the petitioner. This Court has held in a number of cases that compassionate appointment is intended to enable the family of the deceased employee to tide over sudden crisis resulting due to death of the bread earner who had left the family in penury and without any means of livelihood. In fact such a view has been expressed in the very decision cited by the petitioner in Director of Education v. Pushpendra Kumar supra. It is also significant to notice that on the date when the first

..3..

application was made by the petitioner on 2-6-88, the petitioner was a minor and was not eligible for appointment. This is conceded by the petitioner. There cannot be reservation of a vacancy till such time as the petitioner becomes a major after a number of years, unless there is some specific provisions. The very basis of compassionate appointment is to see that the family gets immediate relief."

5. Accordingly, the Original Application is dismissed. No costs.

Wednesday, this the 3rd day of January, 2001



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexure referred to in this order:

1. A4 True copy of the Order dated 17-12-97 issued by the 4th respondent.
2. A7 True copy of the order dated 8-3-2000 issued by the 4th respondent.
3. A9 True copy of the order bearing No. PB/CS/30/HQ/1996/48 dated 25-07-2000 issued by the 2nd respondent.