

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. 302/2009,

This, the 28th day of July, 2009

Hon'ble Ms. Sadhna Srivastava, Member (Judicial)

Hon'ble Dr. A. K. Mishra, Member (Administrative)

Smt. Sushila Trivedi aged about 55 years w/o late Ram Dev Trivedi, R/o 559 Kha/ 356, New Shringar Nagar, Alambagh, Lucknow.

Applicant

By Advocate: Sri A.Moin

VERSUS

Union of India through

1. General Manager, Northern Railway , Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. Smt. Vineta Trivedi w/o late Sagar Trivedi, R/o H-311, Indralok Colony, Near Old Tanki, Krishnanagar, Lucknow.

Respondents.

By Advocate Sri B.B. Tripathi for Sri N.K. Agrawal

ORDER (ORAL)

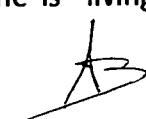
By Hon'ble Ms.Sadhna Srivastava, Member (J)

Heard the counsel for both the parties.

The applicant is seeking a direction upon the respondent to offer an appointment to respondent No. 3 Smt. Vineta Trivedi only after consideration that she is willing to support the applicant.

2. The facts are that the applicant's husband namely Ram Dev Trivedi died on 10.2.2008 in harness while working in the Railways. Thereafter, the applicant's son namely, Sagar Trivedi was given appointment on compassionate ground. Unfortunately, the applicant's son also died in harness on 29.5.2009. Thus, the applicant's widowed daughter-in-law (Respondent No. 3) applied for appointment on compassionate ground.

3. The applicant's contention is that the said widowed daughter-in-law is living separately. Relations between two are strained. She has concealed the necessary fact that she is living separately; that her mother-in-law i.e. applicant was dependent on her



husband. Therefore, applicant is praying for a direction to the respondents that appointment to respondent No. 3 be offered only after consideration of this important fact.

4. It is settled law that compassionate appointment cannot be considered as a mode of appointment rather this exceptional appointment is given to the dependant of the deceased employee in order to meet out the sudden exigencies arising out of the death of the employee concerned but all the same it has to be ensured that the person to whom the compassionate appointment is given is willing to support the dependents and family members of the deceased employee.

5. In the above circumstances, we are of the opinion that the case can be disposed of at the admission stage with a direction to the respondents to take into account all the facts and after giving an opportunity to the applicant before deciding finally the claim of the respondent No. 3 for compassionate appointment. We further direct that till then respondents are restrained from issuing appointment letter in favour of respondent No.3. The O.A. is disposed of with the above directions. No order as to costs.


(Dr. A. K. Mishra)

Member (A)

HLS/-


(Ms. Sadhna Srivastava)

Member (J)