

(11)

A8

CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH,

LUCKNOW.

Original Application No. 293 of 1992.

Today, the 6th day of February, 1995.

HON. MR. JUSTICE B. C. SAKSENA, VICE-CHAIRMAN.

Sri Chand,
aged about 36 years,
son of late Sri Sheo Prasad,
resident of Villate,
Rao Hari Harpur,
P.O. Saimasi,
District, Barabanki,
presently residing
in the Office of D.S.O. Hazratganj,
Lucknow.

::::: Applicant.

BY ADVOCATE ANITA ROY.

VERSUS

1. The Union of India,
through General Manager,
N.E.Railway,
Ministry of Railways,
New Delhi.
2. The Regnl. Director,
Railway Board,
Lucknow.
3. The Divisional Railway Manager,
Northern Railway,
Lucknow.
4. Sri Dutt,
aged about 40 years,
son of late Sri Shiv Prasad,
resident of Village-
Hariharpur,
P.O. Samesi,
District Barabanki,
Presently residing
in the office of D.S.C.
Hazratganj,
district, Lucknow.

::::: Respondents.

BY ADVOCATE SRI ANIL SRIVASTAVA.

O R D E R (Oral).

JUSTICE B.C. SAKSENA, VICE-CHAIRMAN.

I have heard the learned counsel for the parties. Through this O.A. the applicant has prayed for quashing of order dated 25-10-88 passed by Divisional Railway Manager, Northern Railway, Lucknow, whereby in response to his application for compassionate appointment he was informed that there was discrepancy in the date of birth of the applicant.

It has been stated that the applicant in his affidavit dated 25-10-84, had given his date of birth as 8-7-62 whereas in the Educational Certificate, copy of which was given by the applicant, the date of birth was shown as 15-6-1956. Annexure-2 of the O.A. shows that it was sent by the applicant in response to a letter dated 13-1-88 and copy of that letter has been annexed as Annexure-2. From a reading of Annexure-2 it appears that the letter of request of the applicant for compassionate appointment was rejected on the ground that the applicant had not applied within the prescribed period. The applicant's father Shri Shiv Prasad died in harness in the year 1972. From the averments and the documents on record it further appears that the applicant submitted his representation seeking compassionate appointment sometime around 1987 and his request was rejected as back as in the year 1988. The claim petition was filed on 24-6-92.

2. The learned counsel for the respondents has urged that since the application for compassionate appointment has not been made after attaining majority by the applicant, it was made belatedly and after almost a decade on attaining majority, his request for compassionate appointment was rightly rejected.

3. The learned counsel for the applicant has not been able to indicate any provision in the service rules justifying the said belated request for compassionate appointment. Along with the rejoinder affidavit some extracts from Railway Establishment Manual have been filed. The Railway Board, it appears that by letter dated 8/6/79, had categorised into 3 groups the cases of dependents of the Railway Employees for being given priority in appointment on compassionate ground. Of those employees who died in service, their dependents, it was provided, should be offered appointment on compassionate ground within 3 months. By another letter dated 6-2-82 the Railway Board has provided that where no dependent of the deceased railway employee can be expected to function as bread-winner of the family or where none is available at all with necessary qualification and requisite age, the case may be kept pending till the first son/daughter becomes major. The case is required to be kept pending for 5 years and they will be processed as special case. By subsequent letters the period of 5 years was extended to 7 years and it was provided that General Manager(Personnel) has been authorised for relaxation of age limit. In the present case, however, it appears that the applicant is the third son of the deceased Shiv Prasad. The eldest son had already been recruited and appointed to the Railway Service in the year 1969, much before the death of Shiv Prasad. The second son was given appointment in the year 1975 in the Railway Service. No doubt, the appointments of both the sons had not been made on compassionate ground. The applicant had attained majority in the year 1974. He submitted his representation for compassionate appointment around 1987, after almost a decade of his attaining majority.

4. Compassionate appointment has been provided for to meet the ~~minimum~~^{immediate} needs of the family of the deceased Government servant. The purpose and intent for compassionate appointment is to provide ~~material~~^{success} support to the family of the deceased Government servants. Compassionate appointment cannot be treated as a mode of recruitment or as a sort of reservation in favour of dependents of government servant who died in harness. The prime consideration for compassionate appointment is to provide ~~support~~^{success} to the family so that there may be a bread-winner in the family. In the facts and circumstances of the present case the request for compassionate appointment was rightly rejected since 2 elder brothers of the applicant were already in the employment and, therefore, it cannot be said that the family was in indigent. ^{circumstance} The O.A. lacks merit and it is accordingly dismissed. Costs easy.

Babu

VICE-CHAIRMAN.