

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 353/2003.

this the 21st day of November 2003.

HON'BLE SHRI SHANKER RAJU MEMBER(J)

Mohammad Wasim aged about 25 years s/o Late Bakridi R/o
Paharganj, Goshiyana, Faizabad, U.P.

...Applicant.

BY Advocate Shri Hari Ram.

VERSUS

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway
Hazratganj, Lucknow.
3. The Senior Divisional Personnel Officer, Northern
Railway, Hazratganj, Lucknow.

....Respondents.

BY Advocate Shri N.K. Agarwal.

ORDER (ORAL)

BY SHRI SHANKER RAJU MEMBER(J)

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Applicant has claimed compassionate appointment.

2. Deceased was Fireman Grade 'C'. On the request of his elder brother, compassionate appointment was offered as Ticket Collector. The elder son of the deceased during training died on 8.3.1993. The request for appointment of the applicant was made in 2002 which was not exceeded to giving rise to the present O.A.

3. Learned counsel of the applicant states that as a trainee, the contract could not be executed. The applicant being legal heir has a right to prefer claim for being appointed on compassionate grounds.

4. Heard learned counsel of the respondents. The claim of compassionate appointment cannot be acceded to by way of inheritance. It is only the indigency of family which is the prime object of the scheme under Master Circular-16 issued by the respondents. As the elder brother died during training in 1993, belated claim by the applicant made in 2002. No evidence has been brought on record to substantiate that the claim was made earlier. This belated claim frustrates very object of the scheme. There is presumption of the family having survived for all long years and also to its not being a most deserving case. Moreover, compassionate cannot be claimed as an alternate mode to enter the government service without being subjected to usual process of selection. My view is supported by the decision of the Apex Court in the case of Jagdish Prasad Versus State of Bihar and Another 1996 (1) SCC-301.

5. Accordingly, the O.A. is bereft of merit and is dismissed. No costs.

S. Raym
MEMBER(J)