

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.204/2006

This the ^{7th}30 day of January 2008

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Ram Shankar, aged about 27 years, Son of Late Sri Suraj Lal, resident of Village Mandana, Tehsil Ram Nagar, Barabanki.

...Applicant.

By Advocate: Shri Mayankar Singh.

Versus.

1. Divisional Railway Manager, (P), North Eastern Railway, Ijrat Nagar.
2. General Manager, North Eastern Railway, Gorakhpur.

By Advocate: Shri N.K. Agrawal.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

Heard Shri Mayankar Singh, the learned counsel for applicant and Shri N.K. Agrawal, the learned counsel for the respondents.

2. The applicant has filed this OA to quash the impugned rejection order dated 29.4.2004 (Annexure-1), rejecting his claim for compassionate appointment and also for a direction to

the respondents for his appointment under Dying in harness rules on any suitable post in the respondents department.

3. The respondents have filed their Counter Affidavit, denying the claim of the applicant and stated that the competent authority has rejected the representation of the applicant, as they did not find him entitled for compassionate appointment.

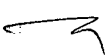
4. The applicant has filed Rejoinder Affidavit, denying the stand taken by the respondents and also reiterated his pleas as claimed in the OA.

5. Heard both sides.

6. The point for consideration is whether the applicant is entitled for the relief as prayed for.

7. The admitted facts of the case are that the applicant's father Late Sri Suraj Lal, while working on the post of IOW, Helper Khalasi, he died on 04.03.2003 leaving behind his widow, the applicant and a married daughter, who subsequently died on 12.03.2006. After the death of his father, when the applicant made representation for his appointment on compassionate ground, the respondent authorities have rejected the same and issued rejection order covered under Annexure-1 dated 24.09.2004, which is under challenge in the present OA.

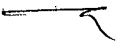
8. The applicant has challenged the rejection order covered under Annexure-A-1 dated 24.09.2004 on the ground that the reasons shown for rejection are on flimsy grounds and other ground that family received terminal benefits of Rs.1,35,689/- is not at all sustainable since the entire amount spend for the



treatment of his sister, who died on 12.03.2006 due to cancer.

Ancillary

9. When, the applicant filed representation for his compassionate appointment, the respondent authorities have rejected the same on the ground that he is not suitable under Dying in harness rules. They have also furnished the reasons for rejection of such claim of the applicant, in which one of the ground was that their family received terminal benefits for more than Rs.1,35,689/-. It is the arguments of the Learned counsel for applicant that the rejection of the request for compassionate appointment on the ground of receiving terminal benefits is not at all a justified ground and also argued that the terminal benefits should not be taken into consideration for deciding the claim of the applicant of appointment on compassionate ground. The latest decision of the Apex Court in the case of **Union Bank of India Vs. M.T. Latheesh, reported in 2006 (8) Scale 145** clearly shows that the terminal benefits are also to be taken into consideration, while deciding the claim of compassionate appointment and as such, the applicant is not justified to challenge the impugned order on that ground. Coming to the other aspects except the applicant there are no others issues to the deceased and in such circumstances, rejecting the claim of the applicant on the ground that his their family received terminal benefits for more than Rs.1,35,689/- and also owning own house for their family itself shows that it a reasoned order.



10. In the light of the above discussion, the applicant has not made out any case to challenge the impugned rejection order and also for issuing any direction to the respondent authorities for reconsideration of his claim for compassionate appointment. Thus, there are no merits in the claim of the applicant and as such the same is liable for dismissal.

In the result, O.A is dismissed. No order as to costs.


(M. KANTHAIAH)
MEMBER (J)
30-01-2008

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