

Central Administrative Tribunal Lucknow Bench Lucknow.

Original Application No. 461/2007.

This, the 6th day of November 2007

Hon'ble Mr. Justice Khem Karan, Vice Chairman

Binay Kumar Chakravorty
S/o Late Balram Chakravorty
M-16, MIG Ambika Avas
Saidpur Hakans,
Bareilly (U.P.)

Applicant.

By Advocate: Shri D. K. Agarwal.

Versus

1. The Union of India, through the Secretary,
Ministry of Railways, New Delhi.
2. The General Manager (Karmik), N.E. Railway,
Gorakhpur.
3. The Chief Karmik Officer, N.E. Railway,
Gorakhpur.
4. The Divisional Railway Manager (Ka), N.E. Railway,
Izzatnagar, Bareilly.

Respondents.

By Advocate: Shri B.B. Tripathi for Shri N.K. Agarwal

Order (Oral)

By Hon'ble Mr. Justice Khem Karan, V.C.

Heard Shri D.K. Agarwal for the applicant and Shri B.B. Tripathi holding brief of Shri N.K. Agarwal, for the respondents, on admission of this O.A.

2. Applicant's father was an employee of the respondents and he died on 9.3.2005 in harness leaving behind him his widow and the applicant. It appears, application for compassionate appointment under dying in harness rules was given in April 2005, followed by a reminder. But respondents issued a letter dated 16.1.2006 (Annexure 1) saying that the

request of Smt. Ratana Chakravorty for appointment of her son Shri Vinay Kumar Chakravorty under dying in harness rules was not acceptable for the reasons inter alia that she herself was working as Teacher in a Govt. School and was getting a basic pay of Rs. 6050/- a month together with other allowances and her son Vinay Kumar Chakravorty was also employed as Production Chemist Grade II in Jubilant Organosys and was getting a salary of Rs. 6500/- a month. Other grounds were also disclosed in this letter. The applicant is challenging this letter dated 16.1.2006 and is praying that the respondent No. 2 be asked to consider his case for compassionate appointment.

3. I put a pointed query to Shri D. K. Agarwal, learned counsel for the applicant as to whether relevant rules/guidelines dealing with compassionate appointment under dying in harness rules, do contemplate such appointment even if one of the family members is well employed. In the instant case, applicant's mother is a Govt. employee and there is no dispute on this point. Shri Agarwal was not in a position to satisfy me on this point. What he argues is that in any case, respondents ought to have considered and passed some final orders rejecting or accepting the claim and so they may be asked to do so. Employment of words Vicharniya Nahin Hai (not worth consideration), in the last sentence of the letter-dated 16.1.2007, should not be viewed from technical angle. What the respondents wanted to say was that case for compassionate appointment was not covered by the rules, as one of the family members of the deceased namely widow of he deceased was well employed as a Govt. Servant. Nothing else is to be considered. It would be sheer wastage of time to entertain this O.A., call for reply and to hear it or to ask the



respondents to pass some orders. The O.A. is not worth admission. It is dismissed as such, without any order as to costs.

v.

(Khem Karan)
Vice Chairman

26.11.07