


Central Administrative Tribunal, Lucknow Bench, Lucknow

ORIGINAL APPLICATION No.52/2009


This the 7th day of August, 2009

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

Smt. Vidhyawati aged about 32 years Wife of Late Rakesh Kumar R/o Gram Malhipur, Post Bachhrawan, District Rae-bareli.

.....Applicant

By Advocate: Sri A. Moin.

Versus

Union of India, through

1. General Manager, Northern Railway, Baroda House,
2. Divisional Railway Manager, Northern Railway, Lucknow.
3. Divisional Railway Manager (Personnel), Northern Railway, Lucknow.

.....Respondents

By Advocate: Shri Arvind Kumar.

ORDER

By Ms. Sadhna Srivastava, Member-J

The applicant seeks quashing of order dt. 24.7.2008, as contained in Annexure-A-1, passed by Respondent No.3 whereby, the applicant has been informed that she cannot be considered for appointment on compassionate grounds.

2. The facts are that the applicant's father- in-law namely Ram Asrey, while working as Store Khallasi in the railways under Respondent No.3, died in harness on 14.03.2008 leaving behind his wife namely Jagdai, widowed daughter-in-law i.e. applicant and two minor granddaughters. The wife of the deceased Smt Jagdai, did not apply for her appointment on compassionate grounds rather, she submitted an application for appointment of her daughter- in-law i.e. applicant, which



has been rejected by the impugned order dt. 24.7.2008 (Annexure-A-1) on the ground that the daughter-in-law is not included in the definitions of dependents, who can seek appointment.

3. Heard the counsel for the parties and perused the pleadings.

4. The rules regarding appointment on compassionate ground enacted by State Government and the Central Government are the same. The rules define as to who can be treated as dependent for the purposes of seeking appointment on compassionate grounds after the death of bread earner. The case, in hand, is one of the railway ministry. At one point of time the benefits of compassionate appointment were extended to 'Near relative' on certain terms and conditions. Later on, the benefit was withdrawn. The respondents have, therefore, pleaded that daughter-in-law is not included in the category of dependent. Therefore, their submission is that the impugned order dt. 24.7.2008, contained in as Annexure A-1 has been passed in accordance with the extant circulars of the Railway Board.

5. The applicant has brought to the notice of the Tribunal some judgments wherein, the daughter-in-law has been held within the definition of the family of her father-in-law. It has been held in those judgments that as such, the daughter-in-law also becomes entitled for consideration for appointment on compassionate ground. These judgments are as follows:-

A. [2008 (26) LCD 1508] Allahabad High Court (Lucknow Bench) in the case of Smt. Geeta Singh Vs. State of U.P. (LB).


B. 2008 (2) ADJ 428 (DB) in the case of Zila Panchayat, Kaushambi and another Vs. Lalti Devi and another.



C. 2008 (2) ADJ (DB) in the case of Chairman/MD U.P. Power Corporation Ltd. , Lucknow Vs. Jitendra Pratap Singh.

6. In the present case mother -in-law namely Jagdai is supporting the applicant's appointment. Further, it has further been alleged that one of the minor child is 80% handicapped. It is also not in dispute that applicant's husband died earlier to her father-in-law. The applicants' husband died on 30.08.2007, whereas the applicant's father-in-law died on 14.3.2008. Thus, the applicant and her two daughters were dependants on the deceased for their survival i.e. Ram Asrey, who was the sole bread earner in the family. After the death of Ram Asrey, her wife Jagdai had a legitimate claim for such appointment. She is however, claiming appointment for her daughter-in-law i.e. applicant. We are of the opinion that in the background of three judgments (Supra) and other consideration of facts brought on record, as mentioned above, it is a fit case for being consideration for appointment on compassionate grounds.

7. Resultantly, the impugned order dt.24.07.2008 (Annexure-A-1) is hereby quashed. The respondents are directed to consider the applicant for appointment on compassionate grounds at an early date. No order as to costs.


(Sadhna Srivastava)
Member-J

Amit/-