

**CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH,
LUCKNOW.**

Original Application No. 427 of 2011

This the 09th day of November, 2011

Hon'ble Mr. Justice Alok Kumar Singh ,Member-J

Smt. Brijkali, Aged about 62 years, W/o late Jagatpal, R/o Village Purebheem Mazare Arakha, Post Arkha, District Rae-Bareilly.

.....Applicant

By Advocate : Sri A.K. Singh 'Raj'

Versus.

1. Union of India through the General Manager, North Railway, Baroda House, New Delhi.
2. D.R.M., N.R., U.P., Lucknow.
3. Station Supdt./Station Master, N.R., Fafamau, District Allahabad.
4. Umesh Chandra, S/o late Sri Jagatpal, presently posted on the post of Electric Khalasi at Fafamau Railway Station, District Allahabad.

.....Respondents.

By Advocate : Sri D.K. Mishra

O R D E R (Oral)

Heard. From the perusal of the pleadings, it comes out that the compassionate appointment was given to respondent no.4 on account of death of applicant's husband on 16.1.1992. It is said that the elder son of the applicant became saint. The next son namely Sri Umesh Chandra (respondent no.4) who is the second son of the applicant and elder to other children of the applicant. He had promised that he would take care of the family. Therefore, the applicant gave her consent in his favour and accordingly he was appointed as Khallasi in the year 1993 and presently he is posted at Fafamau Railway Station, Northern Railway, Allahabad. After the appointment of respondent no.4, his marriage was solemnized. But thereafter he started ignoring the applicant and her other children.

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Therefore, she moved a representation dated 25.2.2011 (Annexure-1) addressed to Chief General Manager, Northern Railway, Lucknow, which is still pending. The applicant has also brought on record an undertaking given by the respondent no.4 addressed to DRM that he would maintain his mother and brothers after death of his father, therefore, he may be given compassionate appointment. The affidavit which has been filed in support of the undertaking is at Annexure no. 4.

2. There does not seem to be any specific law to quash the compassionate appointment of a person on these grounds. Of course, there may be circulars of the department concerned including the present respondents that if such an appointee fails to maintain such affected members of the family, it would be construed to be violation of code of Conduct Rules, for which appropriate action may be taken after initiating the disciplinary proceedings. But that is different matter. However, it would meet the ends of justice if this O.A. is finally disposed of with a direction to the respondent no.2 i.e. DRM, N.R., Lucknow to consider and dispose of the aforesaid pending representation dated 25.2.2011 (Annexure-1) within a period of three months from today by passing a suitable reasoned and speaking order and accordingly it is so ordered. No order as to costs.

3. Copy of this order may be given to the counsel for the parties forthwith.

Alok Kumar Singh
(Justice Alok Kumar Singh)
Member-J

Girish/-