

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 408 OF 2006

[Patna, this Friday, the 2<sup>nd</sup> Day of November, 2007]

.....  
C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

.....  
1. Most. Dhanmati Devi,  
W/o Late Ramdeo Ram.

2. Manoj Kumar,  
S/o Late Ramdeo Ram.

Vs.

The Union of India through General Manager,  
Eastern Railway, Hajipur & Ors.

.....  
Counsel for the applicants.:- Shri A.K.Sharma.

Counsel for the respondents.:- Shri R.N.Choudhary, ASC appearing on behalf  
of Shri Mukund Jee, SC.

O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- Heard both the sides. This is the fourth round of litigation for compassionate appointment of Manoj Kumar, applicant no.2, on account of death of Ramdeo Ram, who claims him to be his foster father who is said to have adopted the applicant in the year 1980. Earlier directions were for recording a speaking order. In the last case, i.e., OA 692 of 2004, disposed of on 11.03.2005 [Annexure-11] this Tribunal held that the case for compassionate appointment of the applicant should be considered, treating him to be an adopted son of the deceased employee, on merits. That was in view of the finding made in OA 99 of 2003 in which it was held that Manoj Kumar was adopted son of the deceased employee. In that view of the matter, this Tribunal in OA 692 of 2004 directed the respondents to consider the case of Manoj Kumar for compassionate appointment as son of Ramdeo Ram at the earliest and if the appointment <sup>was</sup> denied, a reasoned order be passed. Reasoned order appears to have been passed by the Divisional Railway Manager, E.C.Railway, Mugalsarai [Annexure-11]. Though it has also been mentioned that the deceased employee had given no information of adoption


*Shri*

but this order appears to have been passed treating him as son of the deceased employee so much so that it is acknowledged in this order that the family consisted of a widow and a major son [meaning thereby applicant no.2]. This time the prayer has been rejected on the ground that the widow who is applicant no.1 after death of her husband had received a total sum of Rs.308992/- as terminal benefits and besides that, she was also getting family pension every month. It has also been mentioned that there was no other liability upon applicant no.1 as she had neither any unmarried daughter nor any minor son. Stating that compassionate appointment is to be given to provide relief against the untimely loss of bread-earner, but since it does not appear that the widow was under any financial crisis or had any other liability, the appointment of the adopted son was not warranted.

The applicant no.2 obviously is major. In the verification portion itself he has stated his age to be 29 years as on 05.07.2006. A major son can hardly be said to be a liability of his mother as it has also not been shown that he in any way was physically handicapped. Therefore, a major son is supposed to earn for himself, so that the posts under 5% quota meant for compassionate appointment are left for really deserving candidates.

I do not find that the reasons given in Annexure-12 for denying compassionate appointment to the applicant no.2 has any flaw in it. Moreover, adopting father is said to have expired on 10.04.1999, and by now more than eight years have lapsed.

In that view of the matter, finding no merit in the application, the same is dismissed. No costs.



[P.K.Sinha]/VC

skj.