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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~ BOMBAY BENCH

O.A. No. 585/89

198

~~Taxation~~

DATE OF DECISION 7.10.1991

Mohd. Anwarul Haq

Petitioner

Mr. G.S.Walia

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Mr. Subbāh Joshi

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman

The Hon'ble Mr. M.Y.Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*

MGIPRRND-12 CAT/86-3-12-86-15,000

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(U.C.Srivastava)
V/C

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

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Original Application No.585/89.

Mohd. Anwarul Haq,
C/o.Mr.G.S.Walia, Advocate,
89/10 Western Railway Employees'
Colony, Matunga Road,
Bombay 400 019.

... Applicant

V/s

1. Union of India, through
General Manager,
Western Railway, Churchgate,
Bombay 400 020.

2. Divisional Railway Manager,
Western Railway,
Bombay Division,
Bombay 400 020.

... Respondents

CORAM : Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava
Hon'ble Member (A), Shri M.Y.Priolkar

Appearances:

Mr. G.S.Walia, Advocate
for the applicant and
Mr. G.G.Mirji, holding the
brief of Mr. P.M.A.Nair,
Advocate for the respondents.

ORAL JUDGEMENT:

Dated : 7.10.1991

(Per. U.C.Srivastava, Vice-Chairman)

The applicant failing to get an appointment on compassionate ground and after rejection of his representation has approached this Tribunal in respect of the same. His father was working as Driver Grade-C in the Railway and he died on duty at the young age of 32 years on 17.4.1964 leaving behind his widow, three daughters and one son. The applicant was then about a year old having been brone on 1.8.63. As the father of the applicant died on duty his mother was given compensation of Rs.9000/- under the Workmen Compensation Act and beyond that she

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could not get any thing as no schemes for widow pension etc. were available to them. But some one and a half years after attaining the age of majority the applicant made a representation for getting compassionate appointment in place of his father. His application was rejected by the General Manager on the ground that the same was received after twenty years of the employee's death and the widow has three daughters elder to the applicant and she did not apply for the same after the first daughter attained the age of 18 years and that the applicant applied only 1 1/2 years after his attaining majority. In this connection reliance has been placed on the Railway Board's letter that relaxation could be granted only for a period of five years. It appears that the General Manager did not consider the reality that it was not open to the daughters, all of them are married, could not have been bread earners for the family, the purpose behind giving appointment on compassionate ground. It was only the son in this circumstance could have been the bread earner and the son could not have attained majority within five years. In case the circular on which reliance has been placed is taken to be a verdict as long as a valid rule ~~then~~ then those whose fathers died when they are minors or child in that case they can never get compassionate appointment. It appears that with this reason the Railway Board superseded the earlier circular and issued another circular dated 7.9.91 which provided that in respect of dependents of employees who die or are

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permanently crippled in the course of duty, General Managers could consider appointment of first ward even beyond 10 years from the date of death, till they attain majority and necessary action in accordance with the same may be taken. The same position prevails in this case and accordingly this application deserves to be allowed and the respondents are directed to give a suitable appointment to the applicant in place of his father after taking into consideration his qualifications. Let this appointment be given within a period of four months. With the above directions the application is disposed of with no order as to costs.



(M.Y. Priolkar)
Member(A)



(U.C. Srivastava)
Vice-Chairman

v/-