

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH,

(3)

Stamp Application No.430/91 (OA 738/91)

Shri Shailendra.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Member(A), Shri M.Y.Priolkar,
Hon'ble Member(J), Shri T.C.Reddy.

Oral Judgment:-

{Per Shri M.Y.Priolkar, Member(A)} Dt. 18.9.1991.

The applicant in this case is the son of a deceased employee of the Central Government who expired due to illness on 13.12.1971. The grievance of the applicant is that it was only in the year 1989 that for the first time he had knowledge of the fact that he can get employment in the Railways on compassionate grounds and therefore, he applied to the Railways in that year for such appointment. But he has been ultimately informed by letter dt. 28.5.1990 from the headquarters of the Railways that he cannot be appointed on compassionate grounds.

2. The applicant was only five years old when his father expired in the year 1971 ~~xxxx~~ while in service. He states that his mother also expired soon after and that he has been brought up by his married sister with whom he has been living, all along.

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Accordingly to him after he had applied for compassionate appointment in 1989 he was also called for interview on 21.11.1989 and certain further information in respect of his family was also called for from him which was ~~also~~ duly furnished by him. After he was informed of the final decision he again represented on 2.7.1990 to the General Manager, Central Railway, Bombay for reconsidering his application. But there has been no response. The applicant contends that on the facts and circumstances of this case the General Manager, Central Railway, who had discretion for making compassionate appointment should have relaxed the prescribed time limit of 5 years for making such application after the death of the employee and consider him for appointment on compassionate grounds.

3. The applicant nor his advocate was present in the Court on 16.9.1991 when this application had first come up for hearing before us. We had therefore adjourned this case to today. But even today neither the applicant nor his advocate is present nor any communication has been received from them regarding this case. We proceed therefore to decide this case on the basis of the pleadings and on the material available on record.

4. It is seen that after his application for compassionate appointment was received by the Railways, they had asked him to give further particulars relating to his family. Those particulars were furnished by the applicant vide letter dated 7.3.1990 in which

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the applicant has admitted that he has three brothers, two of whom who are 39 and 36 years old respectively, are already regularly employed in the Railway as Khalasis. Both of them were appointed after the death of his father in 1971, although these appointments are stated to have not been made on compassionate grounds. The third brother who is 32 years old is stated to be doing small business.

5. The scheme of appointment on compassionate grounds is primarily to render financial assistance to families who may be in indigent circumstances and are in need of immediate assistance. It appears that all the three brothers of the applicant being well settled and there being no other dependants, the respondents cannot be considered to have acted arbitrarily in denying compassionate appointment to the applicant in this case. We do not therefore, see any merit in this application which is accordingly rejected summarily at the admission stage itself. No order as to costs.

T. Chandrasekhar
(T.C.REDDY)
MEMBER(J)

M.Y. Priolkar
(M.Y.PRIOLKAR)
MEMBER(A).

B.S.M.