

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
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Original Application No: 315/94  
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Transfer Application No: \_\_\_\_\_

DATE OF DECISION: 25.11.1994

C.R. Madanmohan \_\_\_\_\_ Petitioner

Mr. S. Pillai \_\_\_\_\_ Advocats for the Petitioner

Versus  
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U.O.I. & Ors. \_\_\_\_\_ Respondent

Mr. S.C. Dhawan \_\_\_\_\_ Advocate for the Respondent(s)

CORAM :  
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The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri \_\_\_\_\_

1. To be referred to the Reporter or not ? *no*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*

*[Signature]*  
V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD, BOMBAY 1

O.A.No. 315/94

C.R. Madanmohan

..Applicant

V/s

Union of India & Ors.

..Respondents

Coram: Hon.Shri Justice M.S.Deshpande, V.C.

Appearance:

Mr. S. Pillai

Counsel for the applicant

Mr.S.C. Dhawan,

Counsel for the respondents

ORAL JUDGMENT:

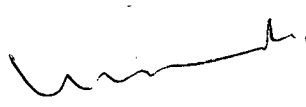
DATED: 25.11.1994

(Per: M.S.Deshpande, Vice Chairman)

Mrs. Kela Madanmohan Chandel, a railway employee, died on 15.11.1992 and upon her death the applicant applied for a compassionate appointment on 31.12.1992. That application was rejected on 27.5.1993 on the ground that the father is regarded as bread winner of the family and no compassionate appointment can be granted in the present circumstances. The contention of Shri Pillai the Id. counsel for the applicant is that the eligibility of the applicant has not been properly decided by the authority under the Master Circular. By virtue of letter dated 12.12.1990 the circumstances <sup>which enable the person</sup> for appointment on compassionate grounds ~~which~~ relate to the appointments made of dependents of Railway servants who lose their lives in the course of duty or die in harness otherwise while in service or are medically incapacitated-/decategorised. It is urged that the letter dated 31.10.86, which is referred to in the Master Circular, on which the entire <sup>order case</sup> ~~test~~ has been based does not support the order passed by the authorities on 27.5.93. The

issue considered in that letter was whether on account of the death of the father and not the death of mother when both are railway employees, compassionate appointment could be made and there it was said that in that event only one compassionate appointment is admissible.

The application could not have been rejected by the authorities in limine with reference to this circular because it does not bar an appointment being made of a dependent when the mother dies as in the present case. The authority will have to find out whether the applicant was a dependent on the mother, though the father is living, and on that basis determine his eligibility. Since this has not been done, the respondents are directed to reconsider the matter with reference to relevant rules and decide whether the applicant can be given a compassionate appointment. This shall be done within two months from the communication of this order. No order as to costs.

  
(M.S. Deshpande)  
Vice Chairman