

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.237/2001

Date of order: 9/2/2002

Ashok Kumar, S/o late Shri Prem Chand, R/o House
No.148 E, Pukka Bungalow, Delhi Lane, Railway Colony,
Bandikui, Distt.Dausa.

...Applicant.

Vs.

1. Union of India through General Manager, W.Rly,
Churchgate, Mumbai
2. Divisional Railway Manager, W.Rly, Jaipur Division,
Jaipur.
3. Divisional Mechanical Engineer, DRM Office, W.Rly,
Jaipur Division, Jaipur.

...Respondents.

Mr.P.K.Sharma : Counsel for applicant
Mr.T.P.Sharma : Counsel for respondents.

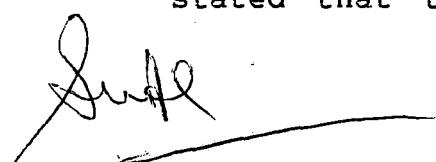
CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to direct the respondents to consider the applicant for appointment on compassionate grounds.

2. In brief, the case of the applicant is that his father Shri Prem Chand died while in service on 4.5.95. The applicant submitted an application for his appointment on compassionate grounds. His mother Smt.Kasturi, also applied for appointment of her son, the applicant, but not replied. It is stated that the applicant was totally dependent on his deceased father and he has no source of income. It is also stated that the father of the applicant was a permanent

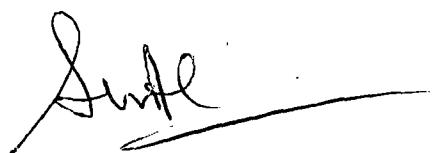


employee, therefore, the applicant is entitled to be considered for appointment on compassionate ground. Hence, the applicant filed this O.A for the relief as above.

3. Reply was filed, in the reply, it is stated that the deceased Sh.Prem Chand was appointed as substitute in English Medium Railway School, Bandikui and on 2.5.78 he was given temporary status. It is also stated that by mistake the deceased Prem Chand was given permanent status vide letter dated 23.5.94 and was given promotion/upgradation on 1.3.93. Only after the death of the deceased employee this mistake was detected therefore, the deceased employee was not a permanent status holder in the railway. Hence, the applicant is not entitled to be considered for appointment on compassionate grounds and this O.A having no merit is liable to be dismissed.

4. Heard the learned counsel for the parties and also perused the whole record.

5. As per the order passed in O.A No.238/2001, Smt.Kasturi Vs. UOI & Ors, the widow of the deceased employee, Sh.Prem Chand, has been held to be entitled for pension and pensionary benefits, after death of her husband, therefore, the case of the applicant for appointment on compassionate ground requires reconsideration by the respondents in the light of the order passed in O.A No.238/2001, Smt.Kasturi Vs. UOI & Ors, and the instructions issued from time to time on the subject and if the respondents' department comes to the conclusion that still indigent circumstances exist in the family of the deceased Sh.Prem Chand, the case of the applicant should be considered for appointment on compassionate grounds. With



the above direction, this O.A is disposed of with no order
as to costs.



(S.K. Agarwal)

Member (J).