

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No.....221 of 1998... of

DATE OF DECISION. 30.3.2000....

Smt. Nilima Dey & Another

PETITIONER(S)

Mr. R. Dutta

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Mr. B.K.Sharma.

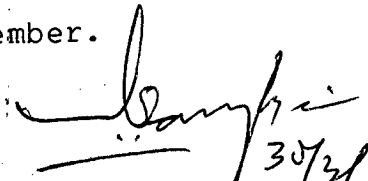
ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE SRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.


30/3/2000

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.221 of 1998

Date of decision: This the 30th day of March 2000

The Hon'ble Mr G.L. Sanglyine, Administrative Member

1. Smt Nilima Dey,
Wife of Late Rabindra Chandra Dey,
Qrs.No.44/B, Central Gotanagar,
Maligaon, Guwahati, Assam.

2. Shri Jaydeb Dey,
Son of Late Rabindra Chandra Dey,
Qrs.No.44/B, Central Gotanagar,
Maligaon, Guwahati, Assam.

.....Applicants

By Advocates Mr R. Dutta & Ms G. Dutta.

- versus -

1. The Union of India, represented by the
Secretary, Railway Board,
Ministry Of Railways,
New Delhi.

2. The Director Estt.(G),
Railway Board,
New Delhi.

3. The Deputy Director Estt.(R)II,
Railway Board,
New Delhi.

4. The General Manager,
N.F. Railway, Maligaon,
Guwahati.

5. The Chief Personnel Officer,
N.F. Railway, Maligaon,
Guwahati.

.....Respondents

By Advocate Mr B.K. Sharma, Railway Counsel.

.....

O R D E R

G.L. SANGLYINE, ADMINISTRATIVE MEMBER

The applicant No. 1 is the mother of applicant No.2 Sri Joydeb Dey. She retired from Railway service on 31.3.1988 as Assistant Teacher Grade II. Her husband Sri R.C.Dey was also Railway employee who retired from service in 1978-79. He expired on 2.3.1992. Sri Narayan Chandra Dey was the son of applicant No.1 and worked as Senior Clerk of the Railway at

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Maligaon. He died on 9.10.1991 while in service. After his death prayers were made by the applicant No.1 to the authorities of the respondents to appoint the applicant No.2 Sri Joydeb Dey on compassionate ground consequent to the death of Narayan Chandra Dey, his brother. No appointment was made. Therefore this application was submitted.

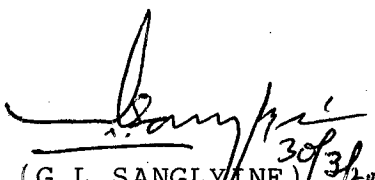
2. No written statement has been submitted by the respondents and no-one appears on behalf of the respondents. Learned counsel Mr. R.Dutta appears for the applicants. He has narrated how the claim for compassionate appointment of applicant No.2 is alive even now. According to him there was no scheme for appointment on compassionate ground of dependants of Railway employees, who died as bachelor or spinster. However there was scope for consideration on merit of each case. Accordingly the case for appointment of the applicant No.2 on compassionate ground was forwarded to the Railway Board with personal approval and recommendation of the General Manager, N.F. Railway, Maligaon by letter No. 586E/81/1(W)NRPT.I dated 12.5.95. In the meantime however, the policy was changed. It was communicated under letter No. E(NG)11/88/RC-1/Policy dated 04.09.96 by the Railway Board to the effect that dependent brothers or sisters of unmarried government servant would be considered for compassionate appointment consequent to the death of such government servant. Further relaxation regarding dependency was issued by the Railway Board under their letter No. E(NG)11/88/RC-1/1/Policy dated 02.05.97. After these circulars were issued the case of compassionate appointment of applicant No.2 was transferred to the General Manager, N.F. Railway, Maligaon by the Railway Board. The General Manager intimated rejection of the prayer of the applicant by letter No. 586E/81/1(W)NRPT.I(Loose) dated 21.10.97. Thereupon the Employees Union took up the case of the applicant No.2. The Railway Board

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also wrote to the General Manager that in his letter dated 21.10.97 no comments were furnished on the instruction contained in paragraphs 2 and 3 of the policy dated 02.05.97 aforesaid and directed for reconsideration of the matter on 02.12.1997. However no action was taken until 23.7.1998 when it was informed to the applicant by the Senior Personnel Officer (W) that the claim of the applicants is not a fit case to be considered for compassionate appointment. Mr. Dutta submitted that this order of the Senior Personnel Officer is not sustainable because it did not have the approval of the General Manager who had earlier recommended the appointment of applicant No.2 on compassionate ground.

3. I have heard learned counsel for the applicants. In the absence of any written statement submitted by the respondents and representation on their behalf it is not ascertainable whether the Chief Personnel Officer is a competent authority to make appointment on compassionate ground or to reject the claim. According to Mr. Dutta the power is with the General Manager. In the circumstances I dispose of this application with direction to the respondent No.4, the General Manager, N.F. Railway, Maligaon, Guwahati to reconsider the prayer of the applicants on merit. Since this is a long standing grievance he may hear the applicants or any of them personally before issuing the order. The applicants shall be communicated a speaking order within two months from the date of receipt of this order by the respondent No.4.

4. No order as to costs.


(G.L. SANGLYINE) 30/3/00
Administrative Member