

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Applications No 129 of 2005

Jabalpur, this the 16th day of June, 2005.

Hon'ble Mr. Madan Mohan, Judicial Member

1. Mango Bai Widow of Late Shri Kishorilal,
Ex. Khalasi Central Railway
R/o Village Twitha Dahalwada,
The Piparia
Distt. Hoshangabad (M.P.)
 2. Gopal Prasad S/o Late Shri Kishorilal
Ex Khalasi Central Railway aged 48 years
R/o village Twitha Dahalwada, The. Piparia
Distt. Hoshangabad (M.P.)
- Applicant

(By Advocate – Shri S.K. Mishra on behalf of Shri H.R.Bharti)

VERSUS

1. Union of India through Secretary (Estt.)
Ministry of Railways, Railway Board,
New Delhi.
 2. Divisional Railway Manager
West Central Railway,
Jabalpur (M.P.)
- Respondents

(By Advocate – Shri H.B. Shrivastava)

ORDER (Oral)

By filing this Original Application, the applicants have sought the following main reliefs :-

“5.1 That appointment on compassionate ground of a ward of deceased Railway servant is permissible under the rules and the applicant No.2 fully deserves to be appointed as such.

5.2 That the delay on the part of the respondent No.2 should not be used against the applicant No.2 because during the year 1975, no such minimum qualification upto VIII standard was compulsory.




2. The brief facts of the case are that the father of the applicant No.2 was working with the respondents-department and he died on 16.7.1959 leaving behind him, his widow and son. According to the applicants, the applicant No.2 submitted an application for compassionate appointment on 7.5.1975 after attaining majority. He further submitted a representation dated 15.10.2001 and personally approached to the respondents. Till now the respondents have not considered and decide the aforesaid representations of the applicants. Hence, this OA.

3. Heard the learned counsel for the parties and carefully perused the records.

4. The learned counsel for the applicant argued that at the time of death of Late Shri Kishori Lal the age of the applicant No.2 was 2 years and attaining the age of majority the applicant No.1 immediately submitted an application dated 7.5.1975 for compassionate appointment in favour of applicant No.2, subsequently the applicant No.2 also submitted the representation dated 15.10.2001. However, the respondents did not considered the aforesaid representations and also the family conditions of the applicants as they are facing acute financial crisis. The respondents are required to consider the case of the applicants for compassionate appointment. But they did not it.

5. In reply, the learned counsel for the respondents argued that this OA filed by the applicants after 45 years of death of Government servant. The widow of the deceased Government servant is getting Ex-gratia payment in lieu of family pension as per provision of rules. The applicant No.2 is nearly 50 years old having three children and one married daughter. The learned counsel for the respondents further argued that the service records of the deceased Government are not available as he died in the year 1959. The applicants submitted first application for appointment on compassionate ground on 1.10.2001



whereas the applicant No.2 had attained the majority on 1974 and he also crossed the age limit for Government service. Hence, the OA deserves to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the records, I find that the father of the applicant No.2 died on 16.7.1959 and the applicant No.1 submitted the application dated 7.5.19975 (Annexure-A-2) for compassionate appointment in favour of the applicant No.2 while I find in the reply that the respondents have received the first representation of the applicants on 1.10.2001. Now the age of the applicant No.2, who is seeking compassionate appointment about 50 year and he crossed the age limit for Government service. The compassionate appointment is not a matter of right it provides only to them, who are facing acute financial crisis. The applicant could not show any fact that till now how they are maintaining their family and they have also not shown their destitute family condition. The argument advanced on behalf of the respondents that at present the service records of the deceased Government are not traceable because he died 44 years ago seems to be correct.

7. In view of the above discussion, the OA is bereft of merits. Accordingly, the same is dismissed. No costs.



(Madan Mohan)
Judicial Member

पृष्ठानक सं ओ/न्या.....जबलपुर, दि.....
सविधिनिधि कार्य दिनांक:-
(1) सचिव, जलपूर न्यायालय, जबलपुर
(2) आवेदन सं/नं/.....के कार्यालय
(3) प्रत्यक्षी/नं/.....के कार्यालय
(4) सचिव, जलपूर न्यायालय
सूचना एवं आचार्यक कार्यवाही हेतु

उप रजिस्ट्रार

Shri H.R. Bhardi HCTD
Shri H.B. Shrivastava HCTD

27/6/05