

Central Administrative Tribunal
Jabalpur Bench

OA No.479/05

Jabalpur, this the 29th day of December 2005.

C O R A M

Hon'ble Mr.Madan Mohan, Judicial Member

1. Smt. Radha Bai
W/o Late Puttulal Kanjar.
2. Mahendra Kumar Kanjar
S/o Late Puttulal
Both residents of H.No.170,
East Belbagh
Ghamapur
Jabalpur.

Applicants

(By advocate: Shri H.R.Bharti)

Versus

1. Union of India through
General Manager
West Central Railway
Jabalpur.
2. Divisional Railway Manager
West Central Railway
Jabalpur.

Respondents.

(By advocate Ku.Jyoti Shilpkar on behalf of Shri N.S.Ruprah)

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

- (i) Quash the letter-dated 11.4.2005 (Annexure A3).
- (ii) Direct the respondents to reconsider the case of the applicants and provide job on compassionate ground to applicant No.2.



2. The brief facts of the case are that the husband of applicant No.1 Shri Puttulal Kanjar, who was an employee of Central Railway, Jabalpur, died in harness on 11.4.81. Applicant No.2 is the adopted son of the deceased. Vide Annexure A1, the respondents gave an assurance to applicant No.1 that when her adopted son became major, compassionate appointment would be given to him. Though applicant No.1 submitted a representation for compassionate appointment to her adopted son, the respondents rejected it on the ground that there was no adoption deed. Annexure A9 is a certificate of Jat Samaj Panchayat Samiti, Jabalpur dated 4.5.2005, which clearly stated that applicant No.2 is the adopted son of the deceased. Being aggrieved by the rejection order of the respondents, the applicants have filed this OA.

3. Heard learned counsel for the applicant. He argued that vide letter dated 29.1.96, applicant No.1 was informed by the respondents that applicant No.2 would be given compassionate appointment on his attaining the age of 18 years. Learned counsel further argued that in mark sheets of High School (Annexure A4), Higher Secondary School Certificate (Annexure A5) and another mark sheet of Rani Durgavati Vishwavidyalayam, Jabalpur (Annexure A6) and in the Mutation Register (Annexure A7), applicant No.2 is shown as the son of Late Puttulal Kanjar, the deceased employee, but the respondents have not considered this fact and they have rejected the application for compassionate appointment vide Annexure A3 order dated 11.4.05 on the ground that the affidavit filed by applicant No.1 is not a valid adoption deed and hence compassionate appointment cannot be given to applicant No.2. This order of the respondents is apparently illegal while in the earlier letter dated 29.1.96 (Annexure A1), they have mentioned that on attaining the age of 18 years her son, Mahendra Kumar Kanjar, her application for compassionate appointment would be considered sympathetically.

4. In reply, learned counsel for the respondents argued that Late Puttulal died on 11.4.1981. An application for compassionate appointment of applicant No.2 was received 15 years thereafter on



28.11.1995. When the department could not process the case of the applicants for want of proper documents, the applicants again became silent for another period of 9 years and in the year 2005, they are filing the instant application. Hence it does not deserve to be considered on the ground that it is being filed 24 years after the death of the railway employee. Applicant No.2 was nowhere mentioned as Late Puttural as his biological or adoptive son in his service record. No formal legal document has been executed to show that applicant No.2 is the adopted son of Late Puttural. The affidavit submitted by applicant No.1 cannot be treated to be a valid adoption deed and hence applicant No.2 cannot be considered for compassionate appointment.

5. After hearing learned counsel for both parties and perusing the records, I find that the deceased employee died on 11.4.1981. The present OA has been filed 24 years after the death of the railway employee. I have perused the concerned documents Annexures A4, A5, A6 and A7 in which the name of the father of applicant No.2 is mentioned as Puttural Jat. Compassionate appointment is not a matter of right. This scheme is introduced to provide immediate financial assistance to the family of the deceased employee who is in indigent condition. But in this case, the deceased employee died on 11.4.1981 i.e. more than 24 years ago. This application is moved at a very belated stage. Hence this OA has no merit. Accordingly the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

aa.

पूरांकन सं लो/प्या.....
पत्तिविका.....
(1) सचिव, उ.....
(2) आदेशिका.....
(3) प्रत्यक्षी.....
(4) कार्यपाल, उ.....
सूचना एवं आनुरोध.....
21/12/05
उप रजिस्ट्रार

H.R. Bharti
K.S. Ruprah

Dismissed
21/12/05