

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Applications No 647 of 2005

Bilaspur this the 28th day of July, 2005.

Hon'ble Mr. M.P. Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

Neatram

S/o Late Shri Parsadi
Aged about 30 Years,
Unemployed

Residing at : Villaged : Kurud
Post Kurud, District : Dhamtari (CG)

Applicant

(By Advocate – Shri B.P. Rao)

V E R S U S

1. Union of India,
Through : The General Manager,
South East Central Railway,
Bilaspur Zone, G.M. Office,
PO : Bilaspur -495001 (CG)
2. The Sr. Divisional Engineer,
South East Central Railway,
Bilaspur Division, Sr.DEN Office,
Bilaspur Division, SR.DEN Office,
Bilaspur – 495001 (CG).
3. The Sr. Divisional Personal Officer,
South East Central Railway,
Bilaspur Division, DPO Office,
Bilaspur – 495001 (CG)

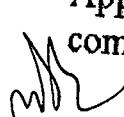
Respondents

O R D E R (oral)

Shri M.P. Singh, Vice Chairman –

By filing this Original Application, the applicant has sought the following main reliefs :-

“8.2to direct the respondents, either to consider the Applicant's pending case for his appointment in Railways on compassionate grounds at the earliest Or, to dispose the

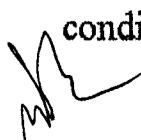


Applicant's pending Representation dated 25.5.2004 (Annexure A-8) by way of a detailed, speaking and reasoned Order at the earliest, taking into consideration of Applicant's Personal Interview held on 7.12.1998 and Rly Board Circular No.140/2000.

2. The brief facts of the case are that the applicant is son of a deceased Govt. servant, who was working in the respondent-Railway. At the time of death of his father on 19.4.1975, the applicant was minor and attained the majority in the year 1993. Thereafter the applicant has submitted an application for appointment on compassionate ground. The respondents vide their letters Annexures A-3 to A-6 have called the applicant for attending the interview for compassionate appointment. According to the applicant, he had visited the office of the respondents and had also given necessary information required by them. Thereafter, there has ^{been} ~~been~~ no correspondence ~~been~~ made between the applicant and the respondents, except a representation dated 25.5.2004 (Annexure-A-7) filed by the applicant in the year 2004. Till now no action has been taken with regard to his appointment on compassionate ground. Hence, this OA.

3. Heard the learned counsel for the applicant.

4. We find that the scheme of Compassionate appointment, issued by the Government of India, was introduced with an object to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness, thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency. In this case, we find that the father of the applicant died in the year 1975 and the family members are managing themselves for the last 30 years. At the time of death of his father, the applicant was a minor. He had attained the majority in the year 1993 i.e. 12 years back. We find that the conditions laid down in the scheme for compassionate appointment



are not fulfilled in this case, as there is no immediate financial assistance is required to the family of the deceased Government by way of employment or otherwise. Therefore, the case of the applicant cannot be considered for grant of compassionate appointment at this belated stage. We also find that the Hon'ble Supreme Court in the case of Jagdish Prasad Vs. State of Bihar (1996) 1 SCC 301. has held as under :

“The very object of appointment of a dependent of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Since the death occurred way back in 1971, in which year the appellant was four years old, it cannot be said that he is entitled to be appointed after he attained majority long thereafter. In other words, if that contention is accepted, it amounts to another mode of recruitment of the dependant of a deceased government servant which cannot be encouraged, dehors the recruitment rules.”

5. For the reasons stated above, and in view of the decision of the Hon'ble Supreme Court in the case of Jagdish Prasad (supra) we do not find any merit in this OA and the same is, therefore, liable to be rejected.

6. In the result, the OA is rejected at the admission stage itself..

(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

पृष्ठांकन सं. ओ/न्या.....	जवलपुर, दि.
पा तिलिपि अद्यो धिल -	
(1) साधिग. उच्च उच्चारक. वार्ता दिलिलाल, जवलपुर	
(2) आनेक श्री/श्रीमती/हु	दे वागउंसल
(3) प्रत्यक्षी श्री/श्रीमती/हु	जे वागउंसल
(4) वायपाल, के प्रा. अ., जवलपुर व्यायपोठ	
सूचना एवं आवश्यक वार्तालाली हैत	

उप रजिस्ट्रार

~~700000~~
~~3-8-05~~