

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 648 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

Jeevanlal
W/o Late Shri Manrakhan
Aged about 40 Years,
Un Employed
Residing at : Village Bhatgaon
Post : Mana, District : Raipur (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 Personnel Officer,
South East Central Railway,
Bilaspur Division, DPO Office,
Bilaspur 495001 (CG).
3. The Divisional Railway Manager,
South East Central Railway,
Bilaspur Division, DPO Office,
Bilaspur - 495001 (CG).
4. The Sr. Divisional Personnel Officer,
South East Central Railway,
Raipur, 492001 (CG).

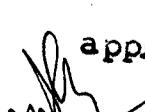
RESPONDENTS

O R D E R (Oral)

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

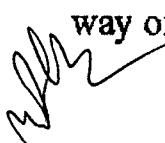
" 8.2to direct the Respondents, either to
consider the Applicant's pending case for his
appointment in Railways on compassionate grounds at
the earliest or, to dispose the Applicant's pending
Representation dated 9.4.2004 (Annexure A-10) by way
of a detailed, speaking and reasoned Order at the
earliest.

2. The brief facts of the case are that the applicant
is the son of the deceased Government servant, who was working
in the respondents-Railway. The father of the applicant died
on 12.4.1979 and at that time the applicant was minor. The
applicant had attained the majority in the year 1991.



Thereafter mother of the applicant has submitted an application dated 30.1.1991 for appointment on compassionate ground and subsequently, the applicant had also submitted an application dated 18.2.1991 for compassionate appointment. The respondents vide their letter dated 9.9.1991 (Annexure-A-4) 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. However, when no communication has been received from the respondents, the mother of the applicant submitted another representation on 3.9.1994 for compassionate appointment in favour of her son. Thereafter the applicant and All India SC&ST Railway Employees Association, Raipur have moved application for compassionate appointment on 9.3.2004 (Annexure-A10 and A-11). 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 1979 and the family members are managing themselves for the last 26 years. At the time of death of his father, the applicant was a minor. He had attained the majority in the year 1991 i.e. 14 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 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 defendant 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.

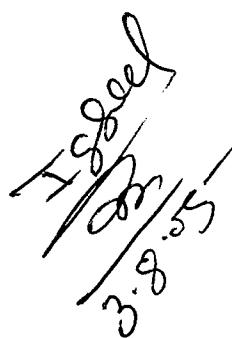

(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

प्रतांकन सं. ओ/व्या..... जबलपुर, दि.....
पत्तिलिखि वाले दिलातः—
(1) सरिया, उच्च व्यापारिक कार एक्सेप्लोयर, जबलपुर
(2) आमेलस ली/श्रीमती/रकु..... के काउंसल
(3) पर्यायी श्री/श्रीमती/रकु..... के काउंसल
(4) वंथपाल, योपाल, जबलपुर व्यापारी
सूचना एवं आवश्यक कार्डवाली हेतु


B.P. Rao
Advocate
Durg.

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उप रजिस्ट्रार