

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 786 of 2005

Jabalpur, this the 17th day of January, 2006

Hon'ble Shri M.K. Gupta, Judicial Member

Munnalal Sahu, Date of birth 1.7.1971,
S/o. late Rambahadur, R/o. Behind Dalibaba
Temple, Ward No. 36, Satna (MP). Applicant

(By Advocate – Shri V. Tripathi)

V e r s u s

1. Union of India, through General
Manager, West Central Railway,
Opposite Indira Market, Jabalpur.
2. Divisional Railway Manager (P),
West Central Railway, Jabalpur. Respondents

(By Advocate – Shri H.B. Shrivastava)

O R D E R (Oral)

By the present OA Shri Munnalal Sahu being the son of Ram Bahadur claims compassionate appointment on suitable post as per his educational qualification as well as quashing of impugned communication dated 8th February, 2005, rejecting such request.

2. The respondents contested the applicant's claim.
3. I have heard learned counsel for the parties and perused the pleadings.
4. In order to appreciate the background in which claim has been laid, it would be necessary to notice certain admitted facts namely :- that the Ram Bahadur was employed in respondents office in Group-D post and was missing from 10th May, 1992. It seems that he was directed to go to

Chennai for his medical treatment. It is stated that since then there was no information about his whereabouts to his family members, an FIR was lodged of his found missing vide serial No. 54 of 1999 dated 1.8.1999. The Office of Superintendent of Police, Satna, MP vide report dated 27.11.2001 certified that the Police authorities completed the investigation and found no whereabouts of said Shri Ram Bahadur son of Tukriya Tola.

4.1. In view of the provisions of Section 108 of the Evidence Act, the said official was presumed to have died. The widow of the deceased, Smt. Ram Kali made an application on 25th May, 1999 for settlement of dues. She also died on 27.11.1999 as per the certificate of death issued on 15.12.1999 by the competent authorities. Ram Bahadur had three sons namely Munnalal, Rajendra Kumar and Mahendra Kumar. Mahendra Kumar expired on 29th January, 2003. It is not disputed that terminal benefits on account of provident fund namely Rs. 66,359/- were paid to the legal heirs of Shri Ram Bahadur. Since the applicant as well as other sons were more than 25 years of age they were not entitled to family pension. The amount of PF, DCRG, GIS etc. have been paid in three shares to the survivors in the family.

5. The only issue raised in the present OA is whether the applicant being a major as having born on 1.7.1971 is entitled to compassionate appointment or not. According to Shri V. Tripathi, learned counsel, appearing for the applicant, the applicant is entitled to such benefit as held by the Hon'ble High Court of Madhya Pradesh at Jabalpur in WP No. 6217 of 2001 decided on 17th September, 2002 in the case of Smt. Aruna Pyasi Vs. M.P. State Marketing Federation & Anr. This plea has been contested by the respondents stating that Shri Ram Bahadur in any case would have retired on attaining the normal age of superannuation on 30th June, 2002 and the application for compassionate appointment was made much later i.e. 15.11.2002 as reflected vide impugned communication dated 8.2.2005. At no point of time even the deceased wife, who also died

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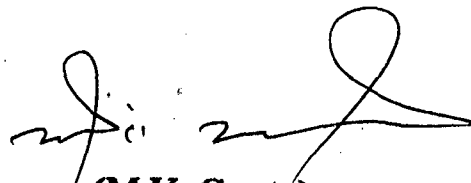
in the meantime, had made any request for compassionate appointment for her son.

5.1. It is contended by Shri H.B. Shrivastava, learned counsel for the respondents that the applicant's case was considered objectively and dispassionately by the respondents and the applicant being major was held not to be entitled for such compassionate appointment.

6. On bestowing my careful consideration to the above facts, I find that the applicant's case for compassionate appointment had been considered by the General Manager, keeping in view the fact that he was major and was not entitled to pension and pensionary benefits, it was rightly held that he was not entitled to compassionate appointment. The reliance placed in Smt. Aruna Pyasi (supra) is inapplicable as the facts of the said case are dissimilar to the case in hand.

6.1. Therefore, I find no illegality in the said impugned communication particularly when the compassionate appointment is not a source of appointment but only a right of consideration to such post, which aspect in my considered view have duly been noticed and followed by the respondents.

7. Finding no merit in the present OA, the same is dismissed. No costs.


(M.K. Gupta)
Judicial Member

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....

पत्तिलिपि अग्रे दितः—

- (1) सचिव, उच्च न्यायालय जबलपुर, जबलपुर
- (2) अध्यक्ष, जिला न्यायाधीश, जबलपुर के काउंसल
- (3) प्रत्यक्षी, जिला न्यायाधीश, जबलपुर के काउंसल
- (4) न्यायाधीश, जिला न्यायाधीश, जबलपुर के काउंसल

सूचना एवं आवश्यक कार्यवाही हेतु
उप रजिस्ट्रार

19/1/06

29/1/06

Tripathi Adv. JBR
H. D. Shrivastava Adv. JBR