

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 1128 of 2005

Jabalpur, this the 13th day of December, 2005

Hon'ble Shri M.P. Singh, Vice Chairman

Gaurishankar, S/o. Chhotelal,
Village Mirzapur, Post Bhangarh,
Teh. : Bina, District – Sagar (MP).

.... Applicant

(By Advocate – Shri Vishwas Awasthi)

V e r s u s

1. Union of India, Ministry of Railway,
New through Principle Secretary,
New Delhi (India).
2. Chairman, Railway Board, Rail Bhawan,
New Delhi (India).
3. Divisional Railway Manager,
North Central Railway, Jhansi (UP). Respondents

O R D E R (Oral)

Heard the learned counsel for both the applicant.

2. By filing this Original Application the applicant has sought the following main reliefs :

“ii)to command the respondents to considered the claim of compassionate appointment of present applicant Gaurishankar, and issue the order in the interest of justice,

iii)to pay the pension amount to the petitioner's mother from the date of the death of his father i.e. from 7.7.1971 alongwith the interest for the lapse in the interest of justice.”

3. The brief facts of the case are that the applicant's father was appointed with the respondents Railways on 19th March, 1949. He died in harness on 7th July, 1971 at Railway Hospital, Bina, District – Sagar.

According to the applicant he was minor when his father died. As per

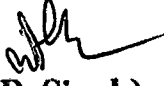
Annexure A-4 which is a copy of the ^{school} transfer certificate, annexed by the applicant, he became major in February, 1986. The applicant has submitted his application for compassionate appointment in January, 1993 (Annexure A-2). Thereafter, also the applicant has submitted representation. The respondents have not considered his case for appointment on compassionate ground. Hence, this Original Application.

4. After hearing the learned counsel for the applicant I find that it is only in the year 2005 the applicant has approached the Tribunal seeking direction to the respondents Railways to appoint him on compassionate ground. The very purpose of introducing the scheme of compassionate appointment by the Government of India is to give immediate financial assistance to the family where the bread winner of the family has died and the family does not become indigent. In this case the Government servant had died in the year 1971, and the applicant has approached the Tribunal after more than 34 years. As the family has been able to manage all these years, now at this stage, the compassionate appointment cannot be provided to the applicant as the scheme has been introduced to provide immediate financial assistance to the family of the deceased Government servant. More than 34 years have passed after the Government servant died and the records of the deceased Government servant may also not be available with the respondents at this point of time. Therefore, no directions can be given to the respondents to consider the application of the applicant for appointment on compassionate ground at this stage. The applicant is at present 39 years of age and compassionate appointment is not an alternative source of ~~income~~ recruitment, ²

5. As regards the relief (iii) claimed by the applicant in the present Original Application, I find that it is a separate relief and is not consequential to the relief (ii) claimed by the applicant. Hence, the same cannot be considered in the present Original Application in view of Rule 10 of CAT (Procedure) Rules, 1987, wherein it is provided that "[A]n

application shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another".

6. In view of the aforesaid, the Original Application is rejected at the admission stage itself.


(M.P. Singh)
Vice Chairman

"SA"

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

प्रतिनिधि लगे स्थान:-

- (1) जजि, उच्च न्यायालय एवं एडवोकेट जनरल, जबलपुर
- (2) आदेशक सं/डीएल/मु.....के कारुंसेल
- (3) प्रत्यक्षी सं/डीएल/मु.....के कारुंसेल
- (4) कार्यपालक, कोषा, जबलपुर न्यायालय
सूचना एवं आचार्यक कार्यपालकी सेवा

उप रजिस्ट्रार

Received
26.12.05

Sanjay Patel
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Dr
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