

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR**  
**BENCH, JABALPUR**

**Original Application No. 1087 of 2004**

**Jabalpur, this the 1<sup>st</sup> day of September, 2005**

Hon'ble Mr. Madan Mohan, Judicial Member

Smt. Foolbai, Wd/o. late Ram Dayal,  
Aged about 50 years, R/o. Railway  
Station Bareth, Post Office, Bareth,  
Distt. Vidisha, M.P.

.... Applicant

(By Advocate – Shri R.L. Shukla on behalf of Smt. Nirmala Nayak)

**V E R S U S**

1. Union of India, Ministry of  
Railway, Through its Secretary,  
Rail Bhawan, New Delhi.

2. Divisional Railway Manager,  
(Personnel) West Central Railway,  
Bhopal, M.P.

.... Respondents

(By Advocate – Shri M.N. Banerjee)

**O R D E R (Oral)**

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

“(i) command the respondents to consider the case of the son of the applicant Girija Shankar for compassionate appointment as early as possible.”

2. The brief facts of the case are that the applicant is the widow of late Ram Dayal who was working under the respondents and died in harness on 27<sup>th</sup> August, 1982. After the death of her husband applicant and her son Girja Shankar had given various applications to the respondents for granting compassionate appointment to her son Girja Shankar. The applicant also written a letter to the DRM, Central Railway on 6.9.1995 mentioning therein that though she was given appointment as water server on Berath station the said job was



seasonable and only exists during the summer season. She used to be terminated and forced to sit in house in rainy season. As she has not been confirmed on the post so far, hence, he prayed for giving compassionate appointment to her son. She also sworn an affidavit on 31.7.1995 that the correct name of her son is Girja Shankar and it has been wrongly mentioned as Gouri Shankar. The son of the applicant sent reminder on 1.7.1997 to the respondents to consider his case for compassionate appointment. The respondents vide letter dated 26.4.2004 has informed the applicant that it has been informed to her that the case of her son has been cancelled/dismissed as such it is not possible to give him compassionate appointment. This order is against the principles of natural justice. Hence, this Original Application is filed.

3. Heard the learned counsel for the parties and carefully perused the pleadings and records.

4. It is argued on behalf of the applicant that there is no earning member in the family of the deceased. The applicant is facing acute financial crises and though the respondents offered her the service of water server but it was seasonable and only exists during the summer season and she used to be terminated and forced to sit in house in rainy season. Hence, she requested for compassionate appointment in favour of her son Girja Shankar. The case of the son of the applicant was not considered by the respondents on merits and was rejected vide letter dated 26.4.2004 (Annexure A-7). The applicant is legally entitled for the reliefs claimed by her.

5. In reply the learned counsel for the respondents argued that the deceased employee late Ramdayal died on 27<sup>th</sup> August, 1982. The widow of deceased employee Smt. Fhool Bai applied for compassionate appointment and she was offered appointment as water woman vide letter dated 13<sup>th</sup> March, 1989. The applicant accepted this offer and resumed duties. Further she was offered appointment as



Peon in DRM office vide letter dated 16<sup>th</sup> April, 1991, however she did not resume duty. Now after 14 years from the date of death of the Government servant she again applied for compassionate appointment for her son. This is not admissible under the rules as appointment was already offered to the applicant and she also accepted it. He further argued that compassionate appointment is not a matter of right and it is granted as an immediate relief to the family members of the deceased Government servant. Hence, this Original Application is liable to be dismissed.

6. After hearing the learned counsel for the parties and on careful perusal of the pleadings and records, I find that the deceased employee late Ramdayal was serving under the respondents Department, died in harness on 27<sup>th</sup> August, 1982 i.e. about more than 23 years back. The respondents had offered appointment on compassionate ground to the widow of the deceased Government servant. She accepted this offer and resumed duties as water woman. Further she was offered appointment as Peon in the DRM Office, Bhopal vide letter dated 16<sup>th</sup> April, 1991 but she had not resumed her duties. Compassionate appointment cannot be given again and again to the family members of the deceased Government servant. It is granted as an immediate financial assistance to the family of the deceased Government servant and it is also not a matter of right.

7. Considering all the facts and circumstances of the case, I am of the opinion that this Original Application deserves to be dismissed as having no merits. Accordingly, the same is dismissed. No costs.

(Madan Mohan)  
Judicial Member

"SA"

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

प्रतिलिपि अर्पित:-

(1) सचिव, उच्च न्यायालय नगर एसोसिएशन, जबलपुर

(2) न्यायाधीश श्रीमती/श्री.....के काउंसल

(3) न्यायाधीश श्रीमती/श्री.....के काउंसल

(4) न्यायाधीश श्रीमती/श्री.....के काउंसल

.....के काउंसल

उप-रजिस्ट्रार

Filed  
6-5-95

Madan Mohan  
BN  
M. N. B. B. B.  
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6-9-95