

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 29th day of November, 2005

ORIGINAL APPLICATION NO. 535/2005

CORAM :

HON'BLE MR.M.L.CHAUHAN, MEMBER (J)

Miss Rajni Raisinghani
d/o Late Shri Harish Raisinghani,
r/o2/97, New Bus Stand,
Ajay Nagar,
Ajmer.

By Advocate : Shri C.B.Sharma

... Applicant

Versus

1. Union of India
Through General Manager,
North Western Zone,
North Western Railway,
Jaipur.
2. Chief Works Manager,
North Western Railway,
Loco Workshop,
Ajmer.
3. Dy.Chief Material Manager,
North Western Railway,
General Store,
Ajmer.
4. Divisional Personnel Officer,
North Western Railway,
Ajmer Division,
Ajmer.

By Advocate : - - -

... Respondents

ORDER (ORAL)

The applicant has filed this OA thereby
praying for the following relief :

"i) That the entire record relating to the case be called for and after perusing the same respondents may be directed to reconsider and to give appointment to the applicant on any suitable post on compassionate grounds by quashing letter dated 13.6.2005 (Ann.A/1) with all consequential benefits."

2. Briefly stated, facts of the case are that the applicant is elder daughter of Late Shri Harish Raisinghani, who died on 2.2.2003 while working with the respondents. It is case of the applicant that she submitted an application to the respondents for considering her case for compassionate appointment. However, her request for compassionate appointment was rejected on the ground that right to compassionate appointment is available to the widow only and her application is not in accordance with rules. Feeling aggrieved by the order passed by the respondents, the applicant approached this Tribunal by filing OA 199/2004. The said OA was decided by this Tribunal vide Order dated 31.3.2005 thereby holding that the OA shall be treated as a representation and respondent No.3 was directed to pass a reasoned and speaking order within 90 days of the date of receipt of copy of the order.

3. Now the respondents have passed a fresh order dated 13.6.2005 (Ann.A/1), pursuant to the direction given by the Tribunal, holding that Smt. Laxmi Devi w/o Late Shri Harish Raisinghani has not given the consent to consider applicant's candidature for appointment on compassionate ground, therefore, at the checking of eligibility

stage the case has been found ineligible. The second ground of rejecting applicant's application is that she has not given declaration to the effect that she will take care of the family of late employee. It is this order which is under challenge before this Tribunal.

4. I have heard the learned counsel for applicant at admission stage. I am of the view that the matter can be disposed of at admission stage itself by giving suitable direction to the respondents. As can be seen from the impugned order, the respondents have taken the aforesaid two grounds for rejecting the application of the applicant for compassionate grounds. In case the mother of the applicant has not given her consent, that will not defeat the right of the applicant for considering her case for compassionate appointment. Learned counsel for the applicant has submitted that the widow is already in service. As such, as per policy, there is no bar to give appointment to another eligible candidate and the application of the applicant ought not to have been rejected on that ground. I see reasonable force in the contention raised by the learned counsel. As such, I am of the view that in case the applicant makes a fresh application for her appointment on compassionate grounds, the fact that her mother has not given consent for appointment of the applicant on compassionate grounds shall not be taken into consideration and case of the applicant will be examined on its own merit including the fact that there is an earning member who may or may not be

supporting the other members of family and also economic distress of the members of the family etc. So far as second ground is concerned, learned counsel for the applicant submitted that the applicant has already given such undertaking/ declaration and in any case she is prepared to give fresh undertaking/declaration, as required under the rules.

5. In view of what has been stated above, I am of the view that the applicant may make fresh application requesting appointment on compassionate grounds as per rules and the respondents shall consider the same in accordance with law and such application shall not be rejected solely on the ground that the mother of the applicant has not given the consent to consider the candidature of the applicant for compassionate grounds. In case such an application is made within a period of one month, the respondents shall entertain the same and decide in accordance with law within a period of two months thereafter.

6. With these observations, the OA stands disposed of.


(M.L.CHAUHAN)

MEMBER (J)