

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

16

ORDERS OF THE BENCH

Date of Order: 10.07.2012

OA No. 86/2011

Mr. Nand Kishore, counsel for applicants.
Mr. D.K. Pathak, counsel for respondents.

Heard learned counsel for the parties.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

K. S. Rathore

(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

Kumawat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 10th day of July, 2012

ORIGINAL APPLICATION No. 86/2011

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER

1. Gayatri Devi wife of Late Gajraj Singh Singh aged about 48 years, resident of Railway Loco Colony, NWR Quarter No. T-122, Y, Jaipur.
2. Surendra Singh son of Late Shri Gajraj Singh, aged about 24 years, resident of Railway Loco Colony, NWR Quarter No. T-122, Y, Jaipur.

... Applicant

(By Advocate : Mr. Nand Kishore)

Versus

1. Union of India through General Manager, North Western Railway, Jawahar Circle, Jagatpura, Jaipur.
2. Divisional Railway Manager, North Western Railway Power House Road, Jaipur.

... Respondents

(By Advocate : Mr. D.K. Pathak)

ORDER (ORAL)

This is the second round of litigation. Earlier the applicant has filed an OA No. 461/99 and the same has been disposed vide order dated 29.10.2009, directing the applicant to file an application in the prescribed proforma for appointment on compassionate grounds to respondent no. 3 i.e. DRM, alongwith a copy of the representation and a copy of the order dated 01.05.2009 of the CAT, Principal Bench within a period of one month from the date of passing of this order. It was further directed that in case the applicant fails to file an application, respondent no. 3 is directed to take necessary action as



per rules within a period of two months from the date of receipt of such application.

2. Pursuant to the direction issued by the CAT, Jaipur Bench vide order dated 29.10.2009, the impugned order dated 18.05.2010 (Annexure A/1) has been passed. It is no doubt that the application of the applicant for appointment on compassionate appointment was required to be considered within a period of two months from the date of filing of the representation but the same has been decided vide order dated 18.05.2010, which is beyond the period of two months and while considering the case of the applicant, the respondents have denied the appointment on compassionate grounds to applicant no. 2 on the ground that the family of the deceased is not in indigent condition.

3. Aggrieved and dis-satisfied with the impugned order, the applicant has preferred this OA, seeking writ or order directing the respondents to quash and set aside the impugned order dated 18.05.2010 (Annexure A/1). He has also prayed that respondents be directed to give appointment to applicant no. 2 on compassionate grounds looking to the penury condition of the family and huge liability and responsibility to marrying daughters and education of younger son of the deceased employee.

4. Brief facts of the case are that the father of the applicant no. 2, Late Shri Gajraj Singh, was expired on 28.10.1993, while working on the post of Fireman II. The deceased employee while working on the post of Fireman II was served with a charge-sheet and after inquiry



was removed from the service. On revision, the punishment of removal was reduced to that of compulsory retirement. The punishment order as well as the revision order was challenged by Applicant No. 1 before the CAT, Principal Bench. The Principal Bench of this Tribunal vide order dated 01.05.2009 passed in OA No. 463/1995, directed the respondents in Para No. 11, to deem the deceased railway servant reinstated in service on 28.12.1992 till his death on 28.10.1993 and to release pay and allowances and other benefits to the widow of the deceased railway servant.

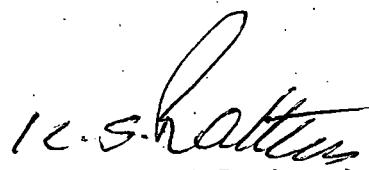
5. While challenging the impugned order dated 18.05.2010 (Annexure A/1), the applicant has referred that Anita Kumar (aged 26 years) and Seema Kumari (aged 25 years) both are unmarried. The applicant no. 2 is graduate and is asking for appointment on compassionate grounds whereas Dharmender Singh, younger brother of the applicant no. 2 is studying in graduation.

6. It is also stated in Para No. 4(vii) of the OA that the respondents are considering the cases of employees on compassionate grounds whose financial condition is very sound. He referred the case of one Shri Abhishek Dixit who was considered for appointment on compassionate grounds due to death of his father, Shri Satyasaran Dixit, CCR Loco Phulera, who got more than 20 lacs on retrial dues and his one son is working on package of 15-20 lacs at Bangalore and in another case, Shri Trilochan Singh, Sr. Section Electrical Engineer, Jaipur, who was expired in the year 2010, his son was granted appointment on compassionate ground even after family of the deceased got 15-20 lacks settlement dues and his one son is working

on foreign country whereas the case of the applicant was not considered in comparison to the illustration given hereinabove. The family of the applicant is in indigent and there is liability of marrying two unmarried daughters and education of younger brother. This fact has not been replied by the respondents and upon asking, the respondents have only stated that the case of the applicant has been considered pursuant to the CAT Jaipur Bench's order dated 29.10.2009 that the condition of the applicant no. 2 is not in indigent and, therefore, appointment was not given on compassionate grounds.

7. Having considered the rival submissions of the parties and on perusal of the material available on record and the judgment passed by this Tribunal dated 29.10.2009, I am of the opinion that looking to the peculiar condition and responsibility of the deceased widow, applicant no. 1, it is a fit case where interference of this Tribunal is required. Accordingly, I direct the respondents to reconsider the case of the applicant no. 2 for giving him appointment on compassionate grounds in accordance with the provisions of law. It is further directed that such an exercise shall be undertaken by the respondents expeditiously but in any case not later beyond the period of three months from the date of receipt of a copy of this order.

8. With these observations, the OA is disposed of with no order as to costs.


(Justice K.S. Rathore)
Member (J)

AHQ