

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Original Application No.330/00363 of 2014

This, the 24th day of October, 2018

HON'BLE MR. RAKESH SAGAR JAIN, JUDICIAL MEMBER

Raj Kapoor S/o Late Shri Baijnath, R/o 16/G, Railway Road, Churk, Post
Churk, District Sonbhadra

..... Applicant

By Advocate: Shri Ram Autar Verma/Shri S.K. Katiyar

Versus

1. Union of India through G.M. North Central Railway, Allahabad.
2. Divisional Railway Manager, North Central Railway, Allahabad.
3. Asstt. Personnel Officer – Establishment (For Divisional Railway Manager), North Central Railway, Allahabad.

.....Respondents

By Advocate: Shri P.N Rai

ORDER

- 1) Present O.A. is filed by applicant Raj Kapoor on rejection of his application for compassionate appointment vide order dated 08.10.2013 on the death of his father Baijnath in harness on the ground that applicant is a major, deceased left no liability and wife of deceased predeceased him. In the counter affidavit, the respondents have also averred that since applicant is married, as such, he cannot be considered for compassionate appointment and which fact of being married has been denied by applicant in his rejoinder affidavit.

- 2) The scope of compassionate appointment is it is justified when it is granted to provide immediate succour to the deceased employee. Mere death of a Government employee in his harness, it does not entitle the family to claim compassionate employment. The competent authority has to examine the financial condition of the family of the deceased employee and only if it is satisfied that without providing employment, the family will not be able to meet the crisis, that a job is to be offered to the eligible member of the family of the deceased employee. The concept of compassionate appointment has been recognized as an exception to the general rule, carved out in the interest of justice, in certain exigencies, by way of a policy of an employer, which partakes the character of service rules. The parameters set by the guidelines/schemes have to be fulfilled by the applicant before being entitled to appointment on compassionate ground.
- 3) It is the consistent view taken by the Courts that "the very object of appointment of dependent of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of earning member of the family".
- 4) So, it is the above noted that the aforementioned considerations which are to be kept by the concerned authorities before taking a call on the application for compassionate appointment.
- 5) In the present case, the reasons given by the respondents for the rejection of application for appointment on compassionate grounds cannot stand the test of legal requirements to be followed in such like cases. Accordingly, impugned order dated 08.10.2013 (Annexure-1) is set aside. Respondents are directed to reconsider the case of applicant for appointment on compassionate grounds afresh in accordance with rules and

regulations within a period of 2 months from the receipt of the certified copy of this order. If the respondents require any fresh documents, they would be at liberty to seek the said information/documents from the applicant. O.A. is accordingly allowed. No order as to costs.

(Rakesh Sagar Jain)

Member (J)

Manish/-