

**OPEN COURT**

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD**

This the **22<sup>nd</sup>** day of **FEBRUARY, 2018**.

**PRESENT:**

**HON'BLE MR. GOKUL CHANDRA PATI, MEMBER- A**

**ORIGINAL APPLICATION NO. 411 OF 2017**

1. Pankaj aged about 23 years son of late Rajeshwar Chaudhary, R/o Maina Majpur Khurja Junction, District Bulandshahar.

.....Applicant.

**V E R S U S**

1. Union of India through its General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager, North Central Railway, Allahabad.
3. Assistant Karmik Adhikari/II Office of D.R.M. North Central Railway, Allahabad.

.....Respondents

Advocate for applicant : Shri B N Singh  
Smt Shyama Singh

Advocate for the respondents : Shri R K Tiwari

**O R D E R**

The applicant in this O.A. is the adopted son of the deceased Rajeshwar Chaudhary, who was an employee under the respondents. After death of applicant's father, his mother Indra Devi was appointed on compassionate grounds. After the death of his mother on 21.09.1996, the applicant made an application for his appointment on compassionate grounds by virtue of adoption deed dated 22.10.1997 (Annexure No. 3) which is duly registered and executed.

2. When applicant's mother died on 21.09.2006, he was a minor and after he became eligible, he applied for appointment on compassionate grounds and as per the advice of the respondents, he obtained a legal heir certificate dated 11.03.2014 (Annexure No. A-4).

3. The applicant has also claimed that his name was incorporated in the service record of his mother under the respondents. However, the application for compassionate appointment was rejected by the respondents vide order dated 04.10.2016 (Annexure No. 1 to the O.A.).

4. In the Counter Affidavit (in short C.A.) filed by the respondents, the facts are not disputed. But it was mentioned that the post retiral dues like gratuity etc were paid to the applicant and these are sufficient for his livelihood and there was no liability. Hence, the applicant was not considered to be entitled for the appointment on compassionate grounds.

5. At the time of hearing, learned counsel for the applicant submitted that the case of the applicant is squarely covered by the order dated 25.01.2016 passed by this Tribunal in O.A. No. 28 of 2016, a copy of which was furnished by the learned counsel for the applicant. In the said O.A., the claim of the adopted son for compassionate appointment of the deceased railway employee was rejected by an order which suffers from error of law and reasons furnished were factually wrong. However, the O.A. was allowed by this Tribunal directing the respondents for reconsideration of the case. Applicant's counsel prayed for a similar relief in this case also.

6. Learned counsel for the respondents agreed that the present case is similar to the case of the applicant in O.A. No. 28 of 2016.

7. As per the impugned order dated 04.10.2016, the claim of the applicant for compassionate appointment has been rejected on the ground that there is no liability on him and that due to payment of post retiral dues of his mother with family pension of Rs. 4090/- per month, these are

applicant's livelihood. In O.A. No. 28/2016, the reasons furnished in rejection order were factually wrong as noted in the order dated 25.01.2016. Hence, the case of the applicant is exactly not similar to the case of the applicant in the O.A. No. 28/2016.

8. However, from the impugned order, it is not clear whether case of the applicant has been considered as per the scheme for compassionate appointment. The applicant has submitted a representation dated 05.12.2016 (Annexure No. A-10) after receipt of the impugned order dated 04.10.2016. Hence, this O.A. is disposed of with the direction to the respondents to consider the applicant's representation dated 05.12.2016 to the respondent no. 2 as per the Rules and guidelines of Railway Board/Government of India relating to the appointment on compassionate ground and dispose of the said representation dated 05.12.2016 through a reasoned and speaking order modifying the order dated 04.10.2016 (Annexure A-1), if necessary and communicate the same to the applicant within three months from the date of receipt of a copy of this order.

9. With the above direction O.A. is disposed of. No order as to costs.

**(GOKUL CHANDRA PATI)**  
**MEMBER-A**

**Arun...**