

Central Administrative Tribunal  
Principal Bench, New Delhi

OA No.2593/2013

This the 25<sup>th</sup> day of July, 2016

**Hon'ble Mr. K.N. Shrivastava, Member (A)**

Prem Lata  
W/o Late Sh. Suresh  
R/o M-230, Shakurbasti,  
JJ Colony,  
New Delhi-110034.

.... Applicant

(By Advocate: Shri Arpit Batra)

**Versus**

The General Manager,  
Northern Railway,  
NDCR Building,  
Estate Entry Road,  
New Delhi.

... Respondent

(By Advocate: Shri Shailendra Tiwari)

**ORDER(ORAL)**

The applicant is widow of deceased Suresh whose father Shri Nanu Ram was working as a Canteen staff under the respondent i.e. Railway Department. Sh. Nanu Ram died in harness on 11.01.2011 leaving behind the widow Smt.Rajni Devi, and 3 sons namely, Ramesh, Ganesh and Suresh. Smt. Rajni Devi widow of the deceased Railway servant requested the department to grant compassionate appointment to her youngest son i.e. Suresh which was duly considered by the department and vide order dated 22.10.2012(Page 43 of the paper book), he was offered appointment to the post of

Gateman. Unfortunately, the said Suresh even before he could avail the offer of appointment, died on 29.12.2012. Condition No.8 of the appointment offer letter dated 22.10.2012 clearly stipulated that if the applicant did not present on the date indicated in the appointment letter for joining, the appointment shall be treated as cancelled.

2. After the death of Suresh, his mother vide her letter dated 19.06.2012 (page 42 of the paper book) and another letter dated 06.05.2013 (page 45 of the paper book) requested the department for compassionate appointment to her elder son i.e. Ramesh. Acting on the said request, he was given an appointment in the department.

3. The claim of the applicant is that she being the widow of deceased Suresh who was offered appointment earlier, is entitled to compassionate appointment in his place and that appointment was given to Ramesh behind her back. Indisputedly, Sh. Suresh i.e. husband of the applicant never availed of the offer of appointment given to him vide Annexure A-2 order dated 22.10.2012. As such the applicant cannot claim compassionate appointment on account of death of her husband. On the other hand, it is seen that Smt. Rajni Devi, widow of deceased Railway Servant, Sh.Nanu Ram, after the death of her son Suresh, had requested the department to offer the compassionate appointment to her elder son, Ramesh which has been duly considered by the department. I do not find any legality and infirmity in the action of the respondent in this regard. The present applicant is not legally entitled to compassionate appointment as her deceased husband never became a Railway employee and that he died

even before availing the offer of appointment given to him by the department.

4. The OA is found to be devoid of merit and is accordingly dismissed. No costs.

**(K.N. Shrivastava)**  
**Member(A)**

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