

**Central Administrative Tribunal  
Principal Bench, New Delhi**

**OA No. 3805/2018**

**New Delhi this the 08<sup>th</sup> October, 2018**

**Hon'ble Sh. Pradeep Kumar, Member (A)**

1. Smt. Vindu Devi  
Aged about 52 yrs.  
W/o Shri Vikram Chourasiya  
R/o House No. 180  
Gali No. 540 Pahla 60 Feet Road  
Molad Band Vistar, Badarpur, New Delhi  
Unemployed

2. Sandeep Chaurasiya  
Aged about 19 yrs  
S/o Sh. Vikram Choursasiya  
R/o House No. 180  
Gali No. 54 Pahla 60 Feet Road  
Molad Band Vistar  
Badarpur, New Delhi.

.. Applicants

(By Advocate : Sh. T.D. Yadav )

Versus

1. Union of India  
Through General Manager,  
Northern Railway  
Baroda House, New Delhi.

2. Divisional Railway Manager,  
Northern Railway  
DRM Office  
Estate Entry Road, New Delhi.

3. Divisional Personnel Officer  
Northern Railway  
New Delhi.

...Respondents

**ORDER (ORAL)**

It was brought out that the husband of the Applicant no.1 Smt. Vindu Devi was in the employment of respondent –Railways and he had taken voluntary retirement (VR) on 10.06.2016 on account of health problems related to his heart. His date of normal retirement otherwise is said to be in the year 2021.

2. It was brought out by the applicant that as per the policy directive dated 12.12.90, in lieu of this VR, his elder son, Sh. Dilip Chaurasiya was granted compassionate ground appointment on 11.6.2016. It was brought that unfortunately, this elder son, who was still unmarried, has expired in a train accident while on duty on 3.3.18.

Now, the Applicant no.1, Smt. Vindu Devi had approached the Tribunal, with a submission that since they were dependent upon the elder son and since this dependency is still continuing, they request the Tribunal to issue direction to the Railways to grant compassionate ground appointment to their younger son, Sh. Sandeep Chaurasiya, who is the Applicant no.2 in the instant O.A.

3. The applicant brought out that while elder son was appointed, the younger son was still a minor and the whole family depended upon the elder son, who is unfortunately no more.

4. The applicant pleaded that since compassionate appointment was on the basic premise that the father was sick and the mother

and the younger brother were to be supported and Railway had policy directives to offer appointment to the ward in lieu of VR by sick employee, hence, elder son was granted compassionate ground appointment but due to bad luck, he had also expired while on duty.

Since, the basic condition of dependency still remains, they had represented to Railway for CG appointment of the younger son, who is Applicant no.2, but the same has since been rejected by the Railway vide order dated 28.08.2018.

5. Matter was heard at some length. The present O.A. is disposed off at admission stage, without going into the merits of the case, with a direction to the respondents, to consider CG appointment to younger son and to pass a reasoned and speaking order keeping in view the intent of policy Dt. 12.12.90, the continuation of dependency (sick father, mother and dependent younger son) and the circumstances of the death of the elder son on duty. A copy of such an order be supplied to the applicant. The same will be done within a period of eight weeks from receipt of these orders. No order as to costs.

**(Pradeep Kumar)**  
**Member (A)**