

**Central Administrative Tribunal  
Principal Bench, New Delhi  
OA-3843/2017  
New Delhi this the 05<sup>th</sup> day of September, 2018**

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

1. Smt. Kanta Devi  
Wife of Late Shri Satpal  
Aged about 56 years,  
R/o Village : Pasina Kalan,  
Distt. Panipat  
Haryana

2. Shri Ram Niwas  
S/o late Shri Satpal,  
Aged about 24 years  
R/o Village : Pasina Kalan,  
Distt. Panipat,  
Haryana

... Applicants

(By Advocate : Sh. K K Patel )

Versus

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

2. Divisional Personnel Officer,  
DRM's Office  
Estate Entry Road,  
New Delhi.

3. Divisional Railway Manager,  
DRM's Office,  
Estate Entry Road,  
New Delhi.

... Respondents

(By Advocate : Sh. A K Srivastava)

**ORDER (ORAL)**

The applicant pleaded that her husband had expired on 28.12.1997 while he was still in service. After his death, the

respondents considered the request to grant compassionate appointment to her eldest son. However, the same was rejected vide letter dated 5.3.2010 on medical grounds as the eldest son was declared unfit in all categories. The younger son did not acquire majority and as such, his case could not be considered at that time. The same request was further registered by the department as seen from a letter dated 16.08.2000 to consider the compassionate ground appointment in respect of the younger son when he attains the age of 18 years.

2. Subsequent to that, the applicant had approached the respondents more than two years after the younger son attained the age of majority for compassionate ground appointment. The respondents had considered the same and through a letter dated 25.06.2015, rejected the claim being more than two year late. The applicant brought out a Policy Circular in the matter which has been issued by the Ministry of Railways vide their letter No. R.B.E. No. 169/98 which deal with such delayed cases. Wherever the matters are justified, the same are required to be sent by the General Manager to the Railway Board. The applicant pleaded that in the instant case this procedure has not been followed and this is the grievance in the present O.A.

3. The respondents pleaded that the instant case was considered in respect of the elder son at the time of death of the husband of the

applicant but could not be agreed to on account of medical unfitness of the son. They registered the same request in respect of the younger son who was not major at that time. Subsequently, when the applicant had approached the respondents for grant of compassionate grounds appointment of the younger son, they had considered the same and passed the order on 26.6.2015 when the case was not considered and rejected as the case was quite late.

4. The matter has been heard at length. The grant of compassionate ground appointment is a consideration which is extended by the respondents to deal with the immediate distress of the family who are left in penury after the death of the earning member. Admittedly, in the instant case, this consideration was extended in respect of the elder son but could not be agreed on account of medical condition of the elder son. In respect of the younger son, Applicant was late in approaching the respondents. Even after this, a detailed order was passed by respondents while rejecting the claim.

5. The compassionate appointment cannot be claimed as a matter of right. It is only a consideration to be extended by the respondents. The same has been done in this case and since the concerned Divisional Railway Manager did not consider the case having merits, he could not recommend the same and in turn it could not be put up to the General Manager as is laid down in

Circular R B E 169/98 . Therefore, the pleadings of the applicant cannot be accepted.

6. The OA is dismissed being devoid of merit. No costs.

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

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