

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00298/2017

DATED THIS THE 22ND DAY OF NOVEMBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

1. Gayathri
W/o late Gangadhara Venkataswamy,
#04, A-1, 1st cross,
Muthumariamma Temple Street,
Mahadevapura,
Mysuru – 570 008.

2. Smt. Vanishree G.
D/o Late Gangadhara Venkataswamy,
R/at 04 A-1, 1st cross,
Muthumariamma Temple Street,
Mahadevapura,
Mysuru – 570 008

.....Applicants

(By Advocate Shri S.N. Sameer)

Vs.

1. Sr. Divisional Personnel Officer,
South Western Railway,
Mysuru – 570 021.

....Respondent

(By Shri N. Amaresh, Counsel for the Respondent)

ORDER (ORAL)DR. K.B. SURESH, MEMBER (J):

Heard. The matter is related to compassionate appointment of a married daughter of a medically unfit widow. There are only two persons in the family and because the daughter is married the Railways had not considered her. Now, under the Hindu Law and the cogent laws in this regard, the responsibility of a *Putra* and *Putri* are different. Therefore a married man can be *ipso facto* denied appointment under compassionate scheme because for the very simple reason that before he marries he is expected to be able to look after himself. If a man is able to look after himself, then he has no right to seek compassionate appointment.

2. The Railways have taken a view that the applicant's daughter being married she is under the care of her husband and therefore may not need the special merit to be granted under compassionate appointment scheme, but it may lead the widow indigent and without a caregiver. Therefore we will set aside the order passed by the Railways regarding the non-consideration of the applicant and will remit the matter for an effective consideration on these grounds:

- 1) Can the widow survive without effective support,
- 2) What is their level of indigency vis-à-vis with the others who is equally considered

3) What is the current status of the husband of the daughter? Is he in a position to look after the mother-in-law also which is also a pious obligation under law?

3. All these and other cogent issues will be looked into by the Railways and an appropriate order may be passed. The OA is disposed off. No order as to costs.

(PRASANNA KUMAR PRADHAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicants in OA No.170/00298/2017

Annexure A-1: True copy of service certificate of Shri Gangadhara, husband of the 1st applicant.

Annexure A-2: True copy of Railway Medical Attendance Identity Card of husband of the 1st applicant.

Annexure A-3: True copy of death certificate of husband of the 1st applicant dated 02.06.2010.

Annexure A-4: True copy of South Western Railway letter No. Y/P.269/04/11/2987/GV dated 19.01.2015

Annexure A-5: True copy of representation of the 1st applicant addressed to the Sr. Divisional Personnel Officer dated 07.11.2016

Annexure A-6: True copy of representation of the 2nd applicant addressed to the Sr. Divisional Personnel Officer dated 07.11.2016

Annexure A-7: True copy of Railway Board letter No. E (NG) – II/2014/RC-1/SCR/5 dated 08.07.2014

Annexure A-8: True copy of South Western Railway letter No. Y/P.268/04/11/2987/GV dated 09.11.2016

Annexures with reply statement:

Annexure R1: True copy of Para 105 of IREM

Annexure R2: True copy of Para 222 of General Conditions for Recruitment

Annexure R3: True copy of South Western Railway letter No. SWR/P.268/07/12/MYS/VG/476 dated 07.08.2012

Annexure R4: True copy of Railway Board letter No. E (NG) – II/98/RC-1/64 dated 06.01.2009
