

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/00360/2016**

Jabalpur, this Thursday, the 01<sup>st</sup> day of November, 2018

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**

Smt. Madhuri Jhanvar,  
Aged 35 years  
W/o Late Shri Shailendra Jhanvar  
MIG 49 Shivrajpuri Colony  
Near Bijasen Darbar  
Itarsi  
District Hoshangabad (M.P.)

**-Applicant**

(By Advocate –**Shri S.K. Mishra**)

**V e r s u s**

1. General Manager,  
West Central Railway  
Near Indra Market  
Jabalpur  
Madhya Pradesh 482001

2. Divisional Railway Manager (P)  
West Central Railway  
Habibganj Bhopal (M.P.) 262001

**- Respondents**

(By Advocate –**Shri Ashok Kumar Mishra**)

**O R D E R (Oral)**

Heard both sides.

**2.** This Original Application has been filed by the applicant against the inaction on the part of respondents in rejecting his application for grant of compassionate appointment vide order dated 16.12.2015 (Annexure A/15).

**3.** The applicant has prayed for the following reliefs:-

*“8(i) Quash and set aside order dated 16.12.2015 (Annexure A/15) issued by the respondent No.2.*

*(ii) Upon holding that the applicant is entitled for compassionate appointment as per Railway Establishment Rules and as per Railway Board's Circular issued under RBE No.102/2012, direct the respondents to consider and provide compassionate appointment to the applicant to any suitable post in the respondents department.*

*(iii) Any other suitable order/direction which this Hon'ble Tribunal deems fit and proper may also be granted to the applicant.”*

**4.1** Precisely the case of the applicant that the husband of the applicant Shri Shailendra Jhanvar was appointed on the post of Apprentice Technician-III on compassionate ground on 01.09.2010/15.09.2010 (Annexure A/1) on account of death of his father Late Shri Shivram. While working on the said post the husband of the applicant died on 16.02.2012 (Annexure A/12) during the training period. The applicant submitted an application seeking compassionate appointment. She was called for medical examination for physical fitness and she was found fit in the same as per medical examination certificate dated 14.06.2012 (Annexure A/3). She was directed to appear for screening test for consideration of compassionate appointment vide letter dated 09.07.2012 and 18.07.2012 (Annexure A/4 and A/5). She appeared in the said screening test. Thereafter nothing could be heard.

**4.2** The applicant submitted an application dated 02.07.2013 (Annexure A/6) regarding her appointment to DRM Bhopal. The respondent No.2 vide letter dated 12.08.2013 (Annexure A/7) intimated Smt. Urmila Bai, the mother of the deceased employee, that the present

applicant is not entitled for compassionate appointment in view of Railway Board letter RBE No.87/07 dated 15.06.2007 (Annexure A/8), if you want compassionate appointment you can make application.

**4.3** Further it is submitted by the applicant that the mother of the deceased employee and the present applicant has filed an affidavit dated 18.09.2013 (Annexure A/9) to provide compassionate appointment to the present applicant, who is taking care to her. Thereafter the applicant did not find any response from the respondent-department. The applicant submitted representations dated 24.11.2014, 12.05.2015 and 29.06.2015 (Annexure A/11, A/12 and A/13).

**4.4** On non receipt of any response from the respondents the applicant approached this Tribunal by filing O.A. No.200/783/2015 which was disposed of vide order dated 10.09.2015 (Annexure A/14) with a direction to consider and decide her representation dated 29.06.2015 within 90 days. In compliance of the order passed by this Tribunal, respondents vide letter dated 16.12.2015 (Annexure A/15) rejected the claim of the applicant stating that Railway Board's RBE No.102/2012 dated 15.06.2007 is not applicable in the case of applicant. Hence this Original Application.

**5.** The respondents in their reply have submitted that the Railway Board's Circular issued under RBE No.102/2012 dated 14.09.2012 (Annexure A/10) is concerned with the educational qualification for recruitment in Pay Band-I of Rs.5200-20200 having Grade Pay of Rs.1800/- and extending the applicability to widows and not applicable

in the case of applicant, the same has further clarified by the Railway Board New Delhi letter dated 23.04.2015 (Annexure R/1) that “the instructions dated 14.09.2012 applies exclusively in cases where candidates being considered for appointment on compassionate grounds are not meeting the minimum qualification for entry into the Government service that is, in Grade Pay of Rs.1800/- and the word ‘Trainees’ have been coined only for this limited purpose. It has nothing to do with trainees (who get stipend and not salary) in various posts of a Grade Pay of Rs.1900/- and above, where it is mandatory for persons to complete the training successfully, before joining a working post. So the Railway Administration has correctly passed the speaking order dated 16.12.2015 (Annexure A-15).

6. The applicant has submitted rejoinder to the reply wherein it has been stated that as per terms, provisions and guidelines issued by the Railway Board Son/daughter/widow/widower of the employees are eligible for appointment on compassionate grounds. It is further submitted that as no other ward was available from original ex-employees Late Shri Shivram’s family, further his widow Smt. Urmila Bai had requested to Railway administration to provide the compassionate appointment to present applicant, as Smt. Urmila Bai has attained the age of 60 years.

7. In the present case there is no dispute regarding the fact that the applicant is the widow of deceased employee Shri Shailendra Jhanvar who died in training period. Though the deceased had been appointed on

compassionate ground but as per Annexure A/8 RBE No.87/2007 dated 15.06.2007 the application is liable to be considered for compassionate appointment. The relevant portion of said RBE No.87/2007 is as under:-

*“3. The matter has been considered by the Board and it has been decided that in case a candidate appointed on compassionate ground dies/become medically incapacitated during the course of training before he/she is regularly appointed in the Railways, another opportunity may be granted to the original ex-employee/ex-employee’s widow, on whose request the dead/incapacitated trainee ward was offered appointment on compassionate ground by the administration, to apply for another ward’s appointment.”*

Thus, it is clear that if a person appointed on compassionate ground dies or become medically incapacitated during the course of training before he/she is regularly appointed in the Railways, another opportunity may be granted to the original ex-employee/ex-employee’s widow, on whose request the dead/incapacitated trainee ward was offered appointment on compassionate ground by the administration, to apply for another ward’s appointment. So it is ample clear that the applicant is the widow of the deceased employee. So I am of the view that the case of the applicant is totally covered in Para 3 of the RBE No.87/2007 dated 15.06.2007. The objection of the respondents is that the opportunity has been given to the mother of the deceased employee is not tenable in view of RBE No.87/2008. So the reasons given by the respondents vide Annexure A/15 is illegal and is not tenable in the eyes of law. It is pertinent to mention that compassionate appointment policy is to be executed and applied in the letter and spirit as it is complete in itself.

**8.** In view of the above, I am of the considered view that Annexure A/15 is illegal and is therefore quashed and set aside. Respondents are directed to reconsider the case of the applicant for grant of compassionate appointment in view of the RBE No.87/2007. The said exercise shall be done within 60 days from the date of receipt of a copy of this order.

**9.** Accordingly, this O.A. is disposed of in the above terms. No costs.

**(Ramesh Singh Thakur)  
Judicial Member**

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