

CENTRAL ADMINISTRATIVE TRIBUNAL
RANCHI CIRCUIT BENCH
OA/051/00184/2017

Date of order : 13.02.2019

C O R A M

Hon'ble Shri Jayesh V. Bhairavia, Member [Judicial]
Hon'ble Shri Dinesh Sharma, Member [Administrative]

1. Charu Devi, w/o late Salik Singh, resident of village-Mehtadih, PO & PS-Katras, District-Dhanbad, Jharkhand.
2. Ajay Kumar Singh, S/o Ramakant Singh, resident of village-Mehtadih, PO & PS-Katras, District-Dhanbad, Jharkhand.

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Applicants.

By Advocate : Shri Nilabh Manjhi

Vs.

1. The Union of India through the Divisional Railway Manager, East Central Railway, Dhanbad, PO + PS-Dhanbad, District-Dhanbad, PIN-826001.
2. Sr. Divisional Personnel Officer, East Central Railway, Dhanbad, PO + PS-Dhanbad, District-Dhanbad, PIN-826001.
3. Assistant Personnel Officer, East Central Railway, Dhanbad, PO + PS-Dhanbad, District-Dhanbad, PIN-826001.

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Respondents.

By Advocate : Shri Prabhat Kumar.

O R D E R [oral]

Per Jayesh V. Bhairavia , Member [J] : In the instant OA, the applicant has sought relief for a direction upon the respondents to consider and appoint applicant no. 2 i.e. Ajay Kumar Singh on compassionate

ground. To substantiate the claim, it is pleaded that deceased Railway employee namely Anant Kumar Singh was appointed as Helper at Dhanbad in Mechanical (C&W) Department in the year 2012 (Annexure A/4). It is further contended that on 26.09.2014, for some work, when the deceased employee going to Kanpur by Jharkhand Swarn Jayanti Express, during the travel, he fell down from running train and died. The deceased employee died in harness. The applicant no. 1 is the mother of the deceased employee and she was dependent on him. Applicant no. 1 made a representation for appointment on compassionate ground of her grandson (applicant no. 2 herein) who takes care of applicant no. 1. It is further contended that deceased was surviving applicant no. 1 and grandson of applicant no.1 is resides along with her. Therefore, applicant no. 1 has requested the respondents to consider appointment of applicant no. 2 who is claimed to be the son of daughter of applicant no. 1. The applicant no. 1 is resides with applicant no.2 i.e. her grandson and the said grandson is dependent on her. It is further pleaded that though various representation was submitted by applicant no. 1 but respondents are not considered the case of the applicant. It is further pleaded that the deceased Railway employee was adopted by applicant no. 1. The deceased Railway employee

was in fact son of daughter of applicant no. 1 i.e. Leela Devi and by virtue of deed of adoption dated 10.10.1991, said deceased employee i.e. Anant Kumar Singh was adopted by applicant no. 1 (Annexure A/1). Since the said adopted son died in harness and applicant no. 2 Ajay Kumar Singh who is son of Rama Kant Singh residing with her, hence, she submitted representation for appointment on compassionate ground of Ajay Kumar Singh in place of late Anant Kumar Singh.

2 On the other hand, respondents have filed their W.S. and denied all the contention and claim of the applicants. Learned counsel for the respondents Shri Prabhat Kumar submitted that as per provision of RBE 70/2014, the claim of the applicants cannot be entertained. In fact, late Railway employee had never declared the relation of applicant no. 2 with him. He has further submitted that as per the family certificate issued BDO, Baghmara on 11.03.2015, following persons have been shown as family members of the deceased :-

- (i) Smt. Leela Devi- Sister (married) aged about 46 years.
- (ii) Niranjala Devi –Sister (married) aged about 43 years.
- (iii) Charu Devi-Mother.

3 Thus, it is submitted that in fact, Leela Devi was the mother of the deceased employee and by virtue of adoption deed, the applicant no. 1 is the mother of grandson. The claim of the applicant cannot be considered in view of the law laid down by Apex Court. He placed reliance of the judgment reported in (1969) 2 SCC 607- Mackinnon Machenzie and con (P) Ltd. Vs. Ibrahim Maahammed Issak, (2007) 4 SCC 688- Shakuntala Ghandrakant Shreshti vs. Prabhakar Maruti Garvali and (2008) 4 SCC 572-Oriental Insurance Company Limited vs. Sorumai Gogoi and ors.

4. We heard the parties. On perusal of record, it is not in dispute that deceased Railway employee namely Anant Kumar Singh was adopted son of applicant no. 1. The said deceased Railway employee was son of Leela devi, she was daughter of applicant no. 1 and by virtue of adoption deed, the applicant no. 1 Charu Devi adopted the deceased employee and he was appointed in the Railway service. There is nothing on record that the deceased Railway employee have declared anyone as his brother, including applicant no. 2. It is also reveals that as per the certificate issued by BDO, Baghmara that Leela Devi, and Niranjala Devi, both are married daughter of Charu Devi, i.e. applicant no. 1, she

claimed that she is residing with applicant no. 2 and she is dependent on him and, therefore, submitted an application for compassionate appointment in favour of applicant no. 2 i.e. Ajay Kumar Singh, who is in fact a grandson of applicant no. 1. We are of the considered opinion that the applicant is fail to establish the dependency of applicant no. 2 on the deceased Railway employee. The respondents have submitted that the husband of applicant no. 1 was also a Railway employee and she is receiving pension and whatever amount of DCRG and other savings of deceased employee (i.e. adopted son) also be paid to the applicant no. 1, if not paid till date.

5. Considering the above facts, the OA fail, accordingly dismissed with no order as to costs.

[Dinesh Sharma]M[A]

[Jayesh V. Bhairavia]M[J]

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