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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT CALCUTTA

An application under Section 19 of the Administrative Tribunal Act, 1985

Original Application No.350/ 1145 of 2017

1. B. Rama Rao, Husband of Late
Appalanarasamma, Ex-Technician
(Painter), GR-III, Ex. T. No.33/430,
residing at Hut opposite A/E-5, Unit - 2,
Old Settlement, Post Office - Kharagpur,
District - Paschim Medinipur, PIN -
721301.

2. Smt. B. Parvati, daughter of Late
Appalanarasamma, Ex-Technician,
Grade -III, Ex. T. No.33/43, residing at
Hut opposite A/E-5, Unit - 2, Old
Settlement, Post Office - Kharagpur,
District - Paschim Medinipur, PIN -
721301.

.....Applicants

-Versus-

1. Union of India, service through
the General Manager, South-Eastern
Railway, Gardener's Reach, Kolkata -
700043.

2. Workshop Personnel Officer,
Kharagpur, South-Eastern Railway,
Paschim Medinipore, PIN - 721301.

3. The Chief Works Manager,
South-Eastern Railway, Kharagpur
(W/S), Paschim Medinipur, PIN -
721301.

.....Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/1145/2017

Date of order: 26.9.19

Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member

B. RAMA RAO & ANOTHER
VS.
UNION OF INDIA & OTHERS

For the applicants : Mr. A. Chakraborty, counsel

For the respondents : Mr. R.K. Shah, counsel

Bidisha Banerjee, Judicial Member

The applicant in this O.A. has sought for the following reliefs:-

- (a) An order do issue quashing order dated 25.08.2016 issued by the Workshop Personnel Officer, K.G.P.;
- (b) An order do issue directing the respondents to consider prayer of applicants for compassionate appointment;
- (c) Leave may be granted to move this application jointly under Rule 4(5)(a) of CAT Procedure Rule, 1987;
- (d) To pass any other or further order/orders as Your Lordships think fit and proper."

2. We heard the Id. counsels for both sides and perused the

materials on record.

3. The order impugned in the present O.A. dated 25.08.2016 issued

by Workshop Personnel Officer, Kharagpur reads as under:-

"In response to your appeal under reference it is to inform you that claim for employment assistance on compassionate grounds does not come under the purview of Public grievance's.

However, on examining the documents produced by you, it is revealed that your mother Smt. Appalanarasamma, Ex. Painter, T.No.33/430 of KGP(W/S) expired on 08.12.2000 and your divorce took place on 21.09.2001 which indicates that you were not dependent on your mother while she was alive. As such, grant of employment assistance on compassionate ground is not admissible as per extant rule."

4. Ld. counsel for the applicant at hearing would submit that the applicant's case deserves a fresh consideration in the light of RBE 70/2014 which explicitly lays down the following:-

"R.B.E.No.70/2014

Subject : Appointment on compassionate grounds of family members of an ex-Railway servant.

[No.E(NG)-II/2014/RC1/1/SCR/5 dated 8.7.2014]

As the field units are aware, dependant family members for the purpose of appointment on compassionate grounds means spouse or son (including adopted son) or daughter (including adopted daughter) or brother/sister in the case of unmarried Government servant, who is wholly dependent on the Government servant at the time of death in harness or retirement on medical grounds, as the case may be.

Further, in terms of para 2 of letter No. E(NG)III-78/RC1/1 dated 3.2.81, General Managers can consider for employment of married daughters, if they satisfy themselves that the married daughter will be the bread-winner of the family of the Railway servant concerned. It has also been stipulated vide instructions issued under RBE No. 224/2001 dated 21.11.2001 that the cases of dependant divorced/widowed daughters should also be considered for such appointment as in the case of married daughters subject to the condition that former should have been wholly dependent on the ex-employee at the time of the death/medical invalidation of the latter.

Existence of a number of instructions as well as the issue of specific clause of 'dependency on the ex-Railway employee' have been engaging the attention of this office for sometime. Accordingly, the matter has been reviewed by the Board and it has been decided that it should be left to the discretion of the family concerned in case of death of ex-employee to request for a job to either spouse or any child [whether son or daughter (unmarried/married/divorced/widowed)] subject to the condition that the concerned child will be the bread-winner of the family concerned. Further, for this purpose instructions issued by this Ministry vide letter issued under RBE No. 22/2014 dated 4.3.14 be read in the same spirit.

However, the dependent of an unmarried male/unmarried female Railway employee dying in harness/retiring on medical grounds, may be considered for compassionate appointment by the Railway at its own level, subject to the condition that the candidate proposed for appointment is shown as dependent on the ex-employee on the basis of documents such as inclusion/declaration of names in the pass or in Ration cards etc. The condition of inclusion in the pass declaration or Ration cards etc. is only a facilitating factor, and not intended to be a restrictive one. In the absence of any such documentary proof, the factual position regarding the extent of the dependency may be got verified by deputing a Welfare Inspector to inquire into the circumstances. The relaxation of time limit permissible in the case of minor children of those employees who die in harness would also apply in the case of dependents of those who die as bachelor/spinster.

Accordingly, para 2 of Board's instructions E(NG)III-78/RC1/1 dated 3.2.1981, letter No. E(NG)II/88/RC-1 / Policy dated 4.9.96,(Bahri's RBO 81/96, p.75) No. E (NG)II/88 /RC-1/1 Policy dated 2.5.97(Bahri's RBO 66/97, p.51), No.E(NG)II/99/RC-1/SE-19 dated 5.8.99, and E(NG)II/2001/RC-1/ER/5 dated 21.11.2001,(Bahri's RBO 224/2001, p.254) stand superseded."

Citing the aforesaid Id. counsel for the applicant would plead that the matter be remitted back to the General Manager for consideration afresh in the light of RBE 70/2014.

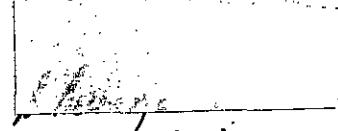
5. Heard Id. counsel for the parties and perused the materials on record.

6. Having noted that RBE 70/2014 gives right to the married daughters, dependent divorced/widowed daughters to be considered for employment assistance on compassionate ground, I quash the impugned order and remand the matter back to the respondent authorities to place the case of the applicant before the General Manager of the concerned Railways,for consideration in terms of RBE 70/2014 within 4 weeks from the date of receipt of a copy of this order.

The General Manager being Respondent No.1 in the present case would

consider the matter in the light of RBE and pass appropriate orders within 3 months thereafter.

7. The O.A. is accordingly disposed of. No costs.


(Bidisha Banerjee)
Judicial Member

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