

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00550/2021

Thursday, this the 16th day of February, 2023

C O R A M :

Hon'ble Mr. Justice Sunil Thomas, Judicial Member

Sri Jinse K. V., aged 30,
S/o. Jayarajan, residing at
Variyam Vallithazhathu House,
Purakkattiri, Thalikulathur P.O.,
Kozhikode District, Pin – 670 317.

- Applicant

(By Advocates: Mr. M. Rajendran Nair and Mr. M. Sreedharan Nair)

V E R S U S

1. Union of India, represented by the
Secretary to Government, Ministry of Railways,
Government of India, New Delhi – 110 001.
2. The General Manager, Southern Railway,
Head Quarters, 37 JG XVG NGO Annexe,
George Town, Chennai, Pin – 600 003.
3. The Chief Personnel Officer, Southern Railway,
Head Quarters, 37 JG XVG NGO Annexe,
George Town, Chennai, Pin – 600 003.

- Respondents

(By Advocate: Mrs. O. M. Shalina, SCGSC)

This Original Application having been heard on 16th February 2023,
the Tribunal on the same day delivered the following :

O R D E R (Oral)

Per: Justice Sunil Thomas, Judicial Member

This is an application filed by the applicant whose brother died while on duty on 06.06.2015. He was a Track Maintainer and was hit by a running train. He left behind his father, mother and the applicant as the legal heirs. The application for seeking compassionate appointment by the applicant was rejected by Annexure A5, by the competent authority on 07.09.2017.

Thereafter in the reply to an application filed under the RTI Act the applicant was informed that since the applicant's father was a fisherman was having brother was not a dependent and he is not entitled to be considered for compassionate appointment.

2. Seeking reliefs, the learned Counsel for the applicant strenuously contended that the applicant was unemployed and that he along with his parents were depending entirely on his brother for their livelihood and the applicant ought to have been considered for compassionate appointment. Learned Counsel contended that his application was rejected without valid reasons and requested that his fresh request for compassionate appointment pending as Annexure A8 may be ordered to be considered.

3. Opposing the application, learned SCGSC invited my attention to Annexure A3 which is the Master Circular which does not treat the applicant as the legal person entitled for compassionate appointment. However fairly, learned SCGSC invited my attention to Annexures R1(b) and R1(c) which were the Circulars in force during the relevant time. By virtue of it, in the case of a Bachelor/Spinster Railway employee who had died while on duty, dependent person can be considered for compassionate appointment includes a brother under 21 years provided he resides with and was dependent on railway servant. The applicant will not fall within the above guidelines, since he has crossed the age of 21 years at the time of the death of his brother and thereby he cannot be considered for compassionate appointment. This is clear from Annexure A4, which shows that the age of

the applicant was 25 as on the date of application and he had completed Graduation and was a B.Com Graduate. Above all Annexure A2 produced by the applicant himself which is a certificate issued by the Tahsildar, Kozhilkode immediately after the death of the brother of the applicant, discloses that the deceased left behind the parents as dependents. The name of the applicant is conspicuously absent in that. Evidently he cannot be treated as a dependent. The Railway authorities have rightly rejected his application.

4. Though the learned Counsel for the applicant specifically pleaded for a fresh consideration of Annexure A8 in the light of the Annexures R1(b) and R1(c), in the nature of the conclusions arrived at by me above, I find that no further improvement can be made on the factual situation by a fresh consideration, thereby giving a ray of hope or expectation to get a job under the Compassionate Appointment Scheme. Such a direction can only be a worthless exercise.

5. Having considered this, I am inclined to reject the O.A. O.A fails and is dismissed. No costs.

(Dated this the 16th day of February, 2023)

Justice Sunil Thomas
(Judicial Member)

bp

List of Annexures

Annexure A1-	True copy of Post Mortem report dated 06.06.2015.
Annexure A2-	True copy of Certificate issued by Kozhikode Tahasildar K1-25638/15 dated 03.09.2015.
Annexure A3-	True copy of Master Circular No.16 issued by 2 nd respondent.
Annexure A4-	True copy of Application dated 18.11.2016.
Annexure A5-	True copy of Order No.J/P.CON/CGA/06/15 dated 07.09.2017.
Annexure A6-	True copy of Letter JP PG/RTI/2017-18/180 Appeal 19 dated 14.12.2017.
Annexure A7-	True copy of Letter dated 21.11.2017.
Annexure A8-	True copy of representation dated 13.02.2021.
Annexure R1(A)-	True copy of the Family Composition Certificate dated 29.05.2015.
Annexure R1(B)-	True copy of Railway Board Circular No.79/1996 dated 04.09.1996.
Annexure R1(C)-	True copy of Railway Board Circular No.165/1999 dated 05.08.1999.
Annexure R1(D)-	True copy of Railway Board Circular No.70/2014.
Annexure R1(E)-	True copy of letter No.PB/CS/30/PGT/2017/04 dated 01.09.2017.
Annexure R1(F)-	True copy of letter No.PB/CS/30/PGT/2017/04 dated 07.12.2017.
