

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14252 of 2014

=====

Pankaj Kumar Tiwari, Son of Sri Chandra Shekhar Tiwari, Resident of Village and Post Office - Manikpur Pakari, Via - Lalganj, District - Vaishali (Hajipur).

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Railway, Rail Bhawan, New Delhi.
2. The Railway Board, through the Director, Estt. (C), Rail Bhawan, Ministry of Railway, Government of India, New Delhi.
3. The General Manager, Northern Railway, H.Q., Baroda House, New Delhi.
4. The Chief Personnel Officer, N.R. H.Q. Baroda House, New Delhi.
5. The D.R.M. Northern Railway, Ambala Cantt. Ambala - 133001.
6. The Senior Divisional Personnel Officer, Divisional Rail Manager Office, Rail Vihar Ambala Cantt., Ambala - 133001.
7. The Public Information Officer, N. Railway, Ambala - 133001.
8. The Senior Divisional Financial Officer, Northern Railway, Amabla - 133001.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Abhay Kumar Thakur, Advocate.

For the Respondents : Mr. Amit Singh, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 05-04-2016

Heard learned counsel for the petitioner and the State.

2. The challenge in the present writ application is to an order dated 28th of May, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as “the Tribunal”) in O.A./050/00388/2014, whereby the claim of the petitioner seeking appointment on compassionate ground under the Railways remained

unsuccessful.

3. Brother of the petitioner was a passenger in 3005 Up Howrah-Amritsar Express which met with an accident on 2nd of December, 2000. A decision was taken that only spouse/ward of the person who died in the rail collision on 2nd of December, 2000 would be appointed as a substitute in the Railways as special case in Group 'C'/'D' category.

4. The petitioner, who is the brother of the deceased, sought appointment on compassionate ground in terms of the said policy decision which was declined on 12th of September, 2001. However, the petitioner challenged the said rejection vide O.A. No. 15 of 2013, which was decided on 31st of January, 2013 with a liberty to the petitioner to submit a representation and a direction to the respondents to dispose of the said representation by considering the prayer in the light of the cases where the brothers of the deceased have been favoured with an appointment in identical situation and pass necessary orders.

5. It is thereafter, the Senior Divisional Personnel Officer, Northern Railway, Ambala Cantt. passed an order on 24th of May, 2013 returning a finding that the petitioner does not come within the ambit of spouse or ward and that the instruction does not provide for consideration of a near relative for appointment as ward/spouse of the person who lost his/her life in the accident. Therefore, the claim of the petitioner was rejected. An Original Application, filed against the said decision, has been dismissed.

6. The argument of the petitioner is that case of appointment to

the victims of accident stands at par with the appointment on compassionate ground. Therefore, the brother of the deceased would be entitled for consideration for appointment.

7. We do not find any merit in the said argument. The appointment on compassionate ground is granted when an employee dies in harness. The deceased brother of the petitioner was not an employee of the Railways but was a passenger in the train, which met with an accident. A special scheme was formulated for appointment of one family member i.e. spouse or a ward of the person who lost his/her life in the accident to be engaged as a substitute member in the Railways in Group 'C'/Group 'D' category. Since the brother is neither a spouse nor a ward, therefore, it does not satisfy the criteria for appointment to the accident victim to provide sustainable economic security.

8. In view of the said fact, we do not find any error in the order passed by the learned Tribunal which may warrant interference by this Court.

9. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Sujit
N.A.F.R.

U			
---	--	--	--