

**HIGH COURT FOR THE STATE OF TELANGANA**

**THE HONOURABLE THE ACTING CHIEF JUSTICE  
RAGHVENDRA SINGH CHAUHAN**

**AND**

**THE HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY**

**W.P.No.7334 of 2019**

**Date: 17.04.2019**

Between:

Union of India  
Rep. by its General Manager,  
3<sup>rd</sup> Floor, Rail Nilayam, S.C.Railway,  
Secunderabad and another

...Petitioners

And

Smt.P.Rukmini Bai

...Respondent

Counsel for the petitioners: Mrs.Pushpinder Kaur

Counsel for the respondent: Mr.G.Pavana Murthy

**The Court made the following:**

**JUDGMENT:** *(Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)*

The petitioners, Union of India, are aggrieved by the order dated 18.12.2018 in O.A.No.021/82/2016, passed by the Central Administrative Tribunal, Hyderabad, whereby the learned Tribunal, considering the peculiar facts of the case and taking the case as a special case, has directed the petitioners, the Railways, to consider the request of the respondent-applicant for compassionate recruitment, or to examine the scope of providing suitable compensation to the applicant within a period of 90 days from the date of receipt of the said order.

Briefly, the facts are that applicant's husband, P.Digambar, was a Trackman, employed with the Railways. He had put in 26 years of service, without any adverse remark. However, during the course of his employment, he was brutally murdered in 2009. On 28.06.2014, the petitioner filed an application for compassionate appointment. Since her application did not elicit any response, she was forced to file an Original Application before the learned Tribunal, namely, O.A.No.198 of 2015. The learned Tribunal directed the Railways to consider her representation, and to pass a speaking order. By order dated 30.04.2015, the Railways dismissed the representation. Hence, she was constrained to file the present OA namely, O.A.No.021/82/2016 before the learned Tribunal. By order dated 18.12.2018, the learned Tribunal has issued the aforementioned directions. Hence, this writ petition before this Court.

Mrs. Pushpinder Kaur, learned counsel for the petitioners, Railways, has vehemently pleaded that the learned Tribunal is not justified in issuing directions and giving merely two options to the Railways. For neither of these two options can be exercised by the Railways; since the applicant had applied in the year 2014, compassionate appointment cannot be given to her. Moreover, the Railways does not have any scheme for paying a suitable compensation to the applicant on the ground she had lost her husband while in harness. Secondly, the applicant is already receiving the family pension. Therefore, there is no need for the Railways to pay her any suitable compensation.

On the other hand, the learned counsel for the respondent, applicant, submits that since 2009, the applicant has been fighting an uphill battle. She has been running from pillar to post trying to seek a compassionate appointment. Even her earlier attempts to convince the learned Tribunal, to pass an order in her favour, had almost failed. Therefore, this time around, the learned Tribunal was justified in directing the Railways to at least pay a suitable compensation to the applicant. Secondly, the Railways is supposed to be a role model employer. Considering the fact that the applicant's husband had put in 26 years of service, considering the fact that he has still more than 10 years of service to go, considering the fact that the applicant's husband died at a rather young age, a certain amount of generosity should be shown by the Railways to the applicant. Thus, at least, a suitable compensation should be paid to the applicant. Therefore, the learned counsel has supported the impugned order.

Heard the learned counsel for the parties.

Needless to say, the Railways is a facet of the State. Being a facet of the State, it has to act as a welfare State. Moreover, the Railways has to be a role model employer. It is the cardinal duty of the employer to not just protect and promote an employee while he is working, but more so to protect and promote his interest and the interest of his family, when the employee is no longer employed with the employer. As a part of welfare State, a certain amount of generosity is expected. State, being a welfare one, cannot act like Shylock, and turn a Nelson's eye to the plight of its employee or their families.

Admittedly, P.Digambar, the husband of the applicant, had put in twenty six years of service with the Railways as a Trackman. For twenty six long years, he had vigilantly and diligently discharged his duties. No adverse remark was ever recorded in his service records. Unfortunately, he was brutally murdered. Suddenly, his wife, the applicant, was left without the physical, psychological and emotional comfort of her husband. The plight of a widow is well known. For having lost her husband, she neither belongs to her parental family, nor to her in-law's family. She continues to live in an animated suspension, exposed to the dangers of everyday life. It is for her, and only for her to defend herself physically, emotionally and to protect herself financially. It is in these trying circumstances that the applicant had applied to the Railways to give a compassionate appointment. Even the said plea did not solicit any positive action. Apathy of the Railways drove the applicant to knock at the doors of the Tribunal. Even

the Tribunal, by its first order, merely directed the Railways to consider her representation. Once a representation was rejected, the applicant found herself back to square one. She again had to start another round of litigation with the Railways. Considering the peculiar facts and circumstances of the case, considering the pitiable condition to which the applicant was reduced to, the learned Tribunal was certainly justified in giving two options to the Railways.

Even if the Railways find that they cannot give a compassionate appointment to the applicant, they cannot claim that they have no funds or no welfare funds available at their disposal. At times, an employer has to walk an extra mile to re-assure his other employees that they are safe as long as they work for the employer. In fact, their families will continue to be safe, even when the employee is no longer working with the employer. If the Railways were to grant a suitable compensation, they would only improve the morale of their working force. Therefore, the Railways should not be concerned with the amount of compensation to be paid, but should be more concerned with enhancing the morale of their work force. Needless to say, there are certain small gestures which can easily be made by the employer to boost the morale of the working force. It is only when the workers are assured that their interest would be protected; that their output tends to increase. Therefore, the Railways should not take up the present case as an abrasion, but instead should see the grant of a suitable compensation in a larger perspective.

For the reasons stated above, this Court also hopes that the Railways pay a suitable compensation to the applicant.

However, it is hereby clarified that this order is passed considering the peculiar facts and circumstances of this case. This order shall not be treated as a precedent for future.

The writ petition stands disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

**(RAGHVENDRA SINGH CHAUHAN, ACJ)**

**(A.RAJASHEKER REDDY, J)**

17<sup>th</sup> April, 2019

*Lrkm*

