

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10914 of 2018

1. Ram Pravesh Singh and Anr son of late Kamaldhari Singh resident of village and Post Office - Dhanao English, Police Station Nasriganj, District - Rohtas at Sasaram - 81310.
2. Kamla Devi wife of Ram Pravesh Singh resident of village and Post Office - Dhanao English, Police Station Nasriganj, District Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The Union Of India
2. The General Manager, East Central Railway, Hajipur, PIN 844101.
3. The Divisional Railway Manager, East Central Railway, Mugalsarai - 232101.
4. The Divisional Railway Manager Personnel, East Central Railway, Mugalsarai - 232101.
5. The Senior Divisional Personnel Officer, East Central Railway, Mugalsarai - 232101.
6. The Station Superintendent, Dehri On Sone - 821307.
7. Archana Singh wife of Jitendra Kumar Singh, daughter of Ram Pravesh Singh resident of village and Post Office Danao English, Police Station Nasriganj, District Rohtas at Sasaram - 821310.
8. Kumari Kislay Widow of Baljee Narayan Singh daughter of Raj Kumar Yadav resident of village Pakhna hiya, Police Station Sanjhauli, District Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Ramadhar Shekhar, Addl. SC Railway

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date : 09-01-2020

No one appears for the petitioners. Learned counsel for
the respondents is present.

2. Perused the materials on record.



3. The instant writ petition has been filed by the petitioners seeking quashing of the order dated 08.12.2018 passed in O.A. No. 050/000102/2018 by the Central Administrative Tribunal, Patna Bench, Patna (for short 'the tribunal') whereby the application filed by the petitioners for directing the respondents to appoint his married daughter on compassionate ground and also to pay her post retiral benefits has been dismissed.

4. The brief facts of the case are that the petitioners' son late Baljit Narayan Singh while being posted as commercial clerk at Dehri On Sone in Railway died on 18.08.2017 leaving behind his father Ram Pravesh Singh (petitioner no. 1), mother Kamla Devi (petitioner no. 2), his wife Kumari Kislay (respondent no. 8) and married sister Archana Singh (respondent no. 7). After the death of Baljeet Narayan Singh the petitioners filed representation to the DRM, East Central Railway, Mugalsarai and thereafter sent legal notice to the General Manager, ECR, Hazipur requesting therein that since the deceased employee died due to certain acts of his wife Smt. Kumari Kislay, she is not entitled to get any dues/ pensionary benefit of her deceased husband. Again on 22.12.2007 they sent representation to the DRM, East Central Railway, Mugalsarai



requesting therein to appoint Archana Singh, married sister of the deceased on compassionate ground and to pay her all admitted dues and pensionary benefits. Since no action was taken on the representations filed by the petitioners they filed original application before the tribunal for direction to appoint the married sister of the deceased Baljit Narayan Singh on compassionate ground on account of the fact that she is looking after the petitioners after the death of their son. The said original application has been dismissed by the tribunal vide impugned order dated 08.02.2018. Being aggrieved by the order dated 08.02.2018 passed by the tribunal the petitioners have filed the present application before this Court.

5. Having appreciated the facts of the case and the order passed by the tribunal, we see no illegality in the order impugned. The appointment on compassionate ground is made of dependents of railway servants who loose their life in course of duty or dies in harness otherwise while in service or are medically incapacitated/de-categorized.

6. The circumstances in which appointment on compassionate ground may be made are enumerated in the master circular issued by the Railway Board which prescribes that son/daughter/widow/widower of the employees are eligible



to be appointed on compassionate grounds in the circumstances in which such appointments are permissible. The married sister of deceased railway employee does not come under the purview for appointment on compassionate ground.

7. In that view of the matter, we see no merit in the challenge to the order impugned passed by the tribunal.

8. The writ petition is dismissed.

(Ashwani Kumar Singh, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

