

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 2683 of 2024

Jyoti Kumari @ Jyoty Kumari, daughter of Sheonath Nonia,
resident of Q. No. 71, Tapin North, 3 Board Block No. 38, Rauta,
P.O. & P.S.- Ramgarh, District- Ramgarh

... .. Petitioner

Versus

1. Union of India, through the General Manager, East Central Railway, Hazipur, District- Vaishali (Bihar)
2. The General Manager, East Central Railway, Hazipur, District- Vaishali (Bihar)
3. The Divisional Personnel Officer, East Central Railway, Dhanbad Division, Dhanbad
4. The Divisional Railway Manager (P), East Central Railway, Dhanbad Division, Dhanbad

.... .. Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner	: Mr. Rajiv Kumar, Advocate Mr. Ravindra Nath, Advocate
For the Respondents	: Mr. Ravi Prakash, C.G.C.

<u>Reserved on 07.08.2025</u> <u>Per : Rajesh Shankar, J. :</u>	<u>Pronounced on 18.08.2025</u>
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The present writ petition has been filed for quashing the order dated 16.04.2024 passed by the Central Administrative Tribunal, Patna Bench, Circuit Bench at Ranchi in O.A. No. 051/00271/2023 whereby the Original Application filed by the petitioner for quashing the letter dated 26.11.2022 issued by the Divisional Personnel Officer, East Central Railway, Dhanbad (the respondent no. 3) informing her about rejection of her application for compassionate appointment, has been dismissed. Further prayer has been made for quashing the letter dated 26.11.2022 issued by the respondent no. 3 whereby the petitioner's application submitted for compassionate appointment on account of her brother's death, has been rejected. The petitioner has

also prayed for issuance of direction upon the respondents to give her appointment on compassionate ground for the reason that her brother died in harness and she was dependent upon him.

2. Learned counsel for the petitioner submits that the brother of the petitioner namely Ajay Kumar was working under the respondents on the post of Trackman at Barkakana, Ramgarh who died in harness on 18.01.2022 leaving behind his mother- Sudmiya Devi, father- Sheonath Nonia, brother- Ajit Kumar Chouhan, two married sisters namely Sunita Devi and Reeta Devi and an unmarried sister Jyoty Kumari (the petitioner).

3. It is further submitted that the elder brother of the petitioner namely Ajit Kumar Chouhan is a para-teacher, who is now living separately from the joint family and is not taking care of his parents. The deceased workman was shouldering the entire responsibility of the family and after his death, the family is in acute financial crisis.

4. It is also submitted that the petitioner and her father had filed separate representations before the Senior Divisional Personnel Officer, East Central Railway, Dhanbad for appointment of the petitioner on compassionate ground under the respondent-Railway, however, vide letter no. DSC-37/CI.III/1514/01/22 dated 26.11.2022 issued by the respondent no. 3, the petitioner's father was informed that instant case of appointment of the petitioner on compassionate ground was rejected by the competent authority as per the extant rules.

5. It is further contended that the Government of India, Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) has issued updated notification dated 02.08.2022 in

which it has been clarified under heading "Dependent Family Member" that the sister of unmarried government servant is also eligible for getting appointment on compassionate ground.

6. It is urged by the learned counsel for the petitioner that the petitioner has taken a degree of Bachelor of Arts (Honours) from Vinoba Bhave University, Hazaribag. She fulfills all the requisite criteria for compassionate appointment and also undertakes to take care of her parents after getting compassionate appointment.

7. On the contrary, learned counsel for the respondents submits that the petitioner failed to bring on record any relevant material to show her dependency on the deceased employee and as such, the learned Tribunal has rightly dismissed the O.A. filed by her which needs no interference by this Court.

8. Heard learned counsel for the parties and perused the materials available on record.

9. Thrust of the argument of learned counsel for the petitioner is that the petitioner being dependent on the deceased employee is entitled to be appointed on compassionate ground under the respondent-Railway.

10. We have perused the notification containing 'Scheme for Compassionate Appointment Under Central Government' issued by the Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training), Government of India (updated on 02.08.2022). The object behind framing of the said Scheme is to grant appointment on compassionate ground to a dependent family member of a government servant who has died in harness or has retired on medical grounds, thereby leaving his family in penury and

without any means of livelihood, to relieve the family of the concerned government servant from financial destitution and to help it get over the emergency.

11. The dependent family member of the government servant has been defined under Note I of Clause 3 of the said Scheme which reads as under: -

Note I - "Dependent Family Member" means:

- (a) Spouse; or
- (b) son (including adopted son); or
- (c) daughter (including adopted daughter); or
- (d) brother or sister in the case of unmarried Government servant or
- (e) member of the Armed Forces referred to in (A) or (B) of this para,
--who was wholly dependent on the Government servant/member of the Armed Forces at the time of his death in harness or retirement on medical grounds, as the case may be.

12. Further, Clause 6 of the said Scheme provides the eligibility for appointment of any person on compassionate ground which reads as under: -

"6. Eligibility

- (a) The family is indigent and deserves immediate assistance for relief from financial destitution; and
- (b) Applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules."

13. In view of the aforesaid provisions of the "Scheme for Compassionate Appointment under Central Government" issued vide notification dated 02.08.2022, the sister of unmarried deceased government servant is also eligible for compassionate appointment,

however the condition precedent for this is that she should be wholly dependent on the deceased government servant at the time of his death.

14. The Hon'ble Supreme Court in catena of decisions has explained the purpose of giving compassionate appointment to the dependent of a deceased employee, some of those are – **Santosh Kumar Dubey Vs. State of Uttar Pradesh & Ors.** reported in **(2009) 6 SCC 481**, **the State Bank of India and Another Vs. Raj Kumar** reported in **(2010) 11 SCC 661** and **State of Himachal Pradesh & Another Vs. Shashi Kumar** reported in **(2019) 3 SCC 653**.

15. The purpose for compassionate appointment is to provide immediate financial assistance to the family of the deceased government servant and the compassionate appointment is not a vested right which can be exercised at any time in future. Compassionate appointment is not a source of recruitment, rather it is an exception to the general rule that recruitment to public services should be on the basis of merit, by an open invitation providing equal opportunity to all eligible persons to participate in the selection process. The dependent of employee, who dies in harness, does not have any special claim or right to employment, except by way of the concession that may be extended by the employer under the rules or by a separate scheme, to enable the family of the deceased to get over the sudden financial crisis.

16. The father of the deceased employee is still alive. He has retired from CCL and is also getting pension. The petitioner did not bring on record any documentary evidence either before the

respondent authorities or before the Central Administrative Tribunal to show that she was dependent upon the deceased employee.

17. We have also perused the Railway Board Guidelines issued vide RBE No. 70/2014 dated 08.07.2014 which has been issued relating to appointment of family members of Ex-Railway employees on compassionate ground and the relevant part of the same is quoted hereinbelow: –

“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 no 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.”

18. Thus, the claim of dependency on the ex-employee raised by any person is to be decided on the basis of inclusion/declaration of names in the “Pass” or “Ration Cards” or “other documents” and in absence of any such document, the matter is to be verified by the Welfare Inspector.

19. In the case in hand, since the petitioner failed to produce any document in support of her claim that she was dependent on the deceased employee, the Welfare Inspector, East Central Railway

made inquiry in the matter and prepared a report dated 24.08.2022 (countersigned by the Welfare Superintendent) wherein it was stated that the deceased employee had himself made family declaration at the time of issuance of Pass/PTO that no member of his family was dependent upon him and his father was an employee of Central Coalfield Limited. It was further mentioned in the report that the petitioner had not produced any document to show that she was dependent upon her brother.

20. In view of the aforesaid discussion, we find no infirmity in the impugned order dated 16.04.2024 passed in O.A. No. 051/00271/2023 rejecting the prayer of the petitioner who did not produce any relevant document to show her dependency on the deceased employee.

21. The present writ petition is, accordingly, dismissed.

22. The pending application(s), if any, also stands disposed of.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)

A.F.R.

Ritesh/