

Central tribunal allows dead railway employee's daughter to get father's job

NEW DELHI: Children of a deceased government servant cannot be denied their legal right of compassionate appointment in government jobs even if the wife of the deceased remarries, the Central Administrative Tribunal (CAT) has ruled.

The tribunal has directed the Northern Railways to consider the application for compassionate appointment of the daughter of a deceased railway employee, setting aside the decision of the railways that denied her request on the grounds that her mother has since remarried.

The compassionate appointment scheme is meant to give jobs to a dependent family member of a government servant who dies while in service.

The applicant is the daughter of a deceased railway employee, Bharam Parkash Giri, who was working as assistant diesel driver in loco shed, Ghaziabad, Northern Railway. He was murdered in October 2002.

The deceased railway servant is survived by two children — a daughter and a son. Both were minors when their father was murdered.

The widow applied to the railways seeking appointment on compassionate grounds for her daughter and for release of the family pension to her, contending that the financial condition of the family was bad. Meanwhile, she got remarried.

Subsequently, in August 2012, the railways rejected the request on the grounds that the mother of the applicant remarried. The daughter moved the tribunal challenging this decision, including clearance of all dues such as provident fund, leave encashment, family pension and other benefits to her.

She contended that she had since attained majority in 2008 and thus had rightful claim for the compassionate appointment. Taking note of her plea, the tribunal said, "Even if it is assumed that her mother has remarried, the fact remains that the applicant is the daughter of the deceased railway employee and hence her claim for compassionate appointment cannot be denied."

"The main ground taken by railways... is illogical and beyond comprehension," it remarked, adding, "Needless to say, the children cannot be punished or denied of their legal right for any act of their mother." The tribunal said the only person who could have contested her claim for the compassionate appointment was her brother by way of putting a counter-claim.

With the brother submitting that he had no objection to it, the tribunal directed the railways to consider the applicant in accordance with rules.

The tribunal also directed the railways to release other family benefits due to the applicant and her brother only, since her mother is stated to have remarried.