

RB.E.No.218/2019

PCPO's Sl.No.252/2019

No .E/227(A)/O/ECR/HJP

Dated:-17.01.2020

1. GAO (Con.)/ उत्तर एवं दक्षिण / पटना।
2. सभी PHOD/CHOD, पू.म.रे, हाजीपुर।
3. DRM/ पू.म.रे / मुगलसराय, दानापुर, धनबाद, सोनपुर एवं समस्तीपुर।
4. मुख्य कार्मिक अधिकारी / प्रशासन / पू.म.रे / हाजीपुर।
5. मुख्यालय के सभी कार्मिक अधिकारी।
6. CWM/ पीडी / मुगलसराय, यांत्रिक कारखाना / समस्तीपुर / हरनौत।
7. S.F.DPO/ पू.म.रे / मुगलसराय, दानापुर, धनबाद, सोनपुर एवं समस्तीपुर।
8. उप महाप्रबंधक / विधि / पटना।
9. प्राचार्य / क्षेत्रीय रेल प्रशिक्षण संस्थान / मुजफ्फरपुर एवं भूली।
10. सभी मुकार्याधी / कार्याधी / पू.म.रे / हाजीपुर।

**विषय** : Appointment on Compassionate Grounds – cases of second wife and her wards.


**संदर्भ** : Railway's Boards Lt.E(NG)II/2016/RC-1/CR/12 (Pt) Dt.. 30.12.2019

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं अग्रेत्तर आवश्यक कार्रवाई हेतु प्रेषित की जा रही है।

A copy of above referred letter on the subject matter is being forwarded herewith for information guidance and needful onward action please.

संलग्नक : यथोपरि।

DA : As above.



(सौरभ सावर्ण)

वकाधि / ई.एस.एम

कृते महाप्रबंधक (कार्मिक) / हाजीपुर

प्रतिलिपि सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु प्रेषित :-

1. महासचिव / ई.सी.आर.के.यू. / पू.म.रे. / हाजीपुर।
2. महासचिव / एस.ओ.सी.ओ. / एस.ओ.टी.ओ. / ए.शो.सि.ए.शन / पू.म.रे. / हाजीपुर।
3. सकाधि (एम.पी.पी.), पू.म.रे. / हाजीपुर। कृपया इसे नेट पर अपलोड कराने की व्यवस्था करें।
4. महासचिव / ओ.बी.सी. ए.शो.सि.ए.शन / पू.म.रे. / हाजीपुर।

03 JAN 2020

03 JAN 2020  
RBE No. 218/2019

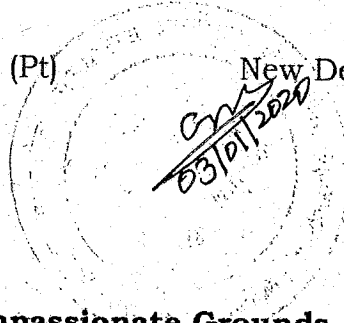
रेलवे बोर्ड का पत्र क्र. 17/2019

**GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)**

No. E(NG)II/2016/RC-1/CR/12 (Pt)

New Delhi, dated 30.12.2019

**The General Manager (P)**  
All Indian Railways/PUs  
(As per standard mailing list)



**Sub: Appointment on Compassionate Grounds – cases of second wife and her wards.**

Attention is invited to Board's letter No.E(NG)II/91/RC-1/136 dated 02.01.1992 (RBE No. 1/1992) wherein it has been laid down that in the case of railway employee dying in harness, etc. leaving more than one widow along with children born to the second wife, while settlement dues may be shared by both widows due to Court orders or otherwise on merits of each case, appointment on compassionate grounds to the second widow and her children are not be considered unless the administration has permitted the second marriage in special circumstances, taking into account the personal law, etc.

2. In the case of Union of India vs. V.R. Tripathi, the Hon'ble Supreme Court had, vide their order dated 11.12.2018 in OA No. 12015/2018 (arising out of SLP(C) No. 32004/2016) dismissed on merits the Appeal filed against the Hon'ble Bombay High Court's Order in WP No. 910/2015 and in WP No.892/2015 in two Central Railway cases that permitted consideration for grant of compassionate appointment to the child of the 2<sup>nd</sup> wife of the deceased Railway employee. Subsequently, several other judgements of Hon'ble High Courts have been received in which consideration for grant of compassionate ground appointment to a child born to the 2<sup>nd</sup> wife of the employee has been directed based on similar ratio.

3. The matter has, therefore, been reviewed by Board in view of above Judicial pronouncements considering also the views of the Central Agency Section of the Ministry of Law & Justice. In partial supersession of Board's Circular No. E(NG)II/91/RC-1/136 dated 02.01.1992 (RBE No. 1/1992) referred to, it has now been decided that children born to the second wife may also be considered for compassionate appointment even where the second marriage has not been specifically permitted by the administration. However, since compassionate appointment after demise of the Railway

....Contd/-


Immediate  
Baveen

Coordinate  
Lent  
13/1/20

Reeling

Handwritten notes and signatures on the left margin, including 'ESM' and other illegible text.

employee can be considered for granting to only one dependent family member on merits, a child born to the second wife can be considered for such appointment only after ascertaining that there is no objection to this from the first wife or her children. Where the first wife (legally wedded wife) opts for such compassionate appointment either for herself or one of her own children, such claim will have priority over any competing claim made by the second wife for any of her children.



(M M Rai)  
Joint Director, Estt.(N) II  
Railway Board

No. E(NG)II/2016/RC-1/CR/12 (Pt)

New Delhi, dated 30.12.2019

**Copy to:**

- (i) The General Secretary, AIRF, Room No. 253, Rail Bhawan, New Delhi (35 spares).
- (ii) The General Secretary, NFIR, Room No. 256-E, Rail Bhawan, New Delhi (35 spares).
- (iii) All Members of Departmental Council and National Council and Secretary, Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi (60 spares).
- (iv) The Secretary General, FROA, Room No. 256-A, Railway Board (5 spares).
- (v) The Secretary, RBSS, Group 'A' Officers' Association.
- (vi) The President, Railway Board Class II Officers' Association.
- (vii) The Secretary General, IRPOF.
- (viii) The Secretary, Indian Railways Class II Officers' Association.
- (ix) The Secretary, Railways Board Ministerial Staff Association.
- (x) The President, Railway Board Class IV Officers' Association.
- (xi) The General Secretary, AIRPF Association.
- (xii) The General Secretary, All India SC& ST Railway Employees Association, Room No-7, Rail Bhawan, New Delhi.
- (xiii) Chief Commissioner for Railway Safety, Lucknow.
- (xiv) Chief Administrative Officer, RCF/Raebareli Project, Kishanganj, Delhi-7.



**For Secretary/Railway Board**

**Copy to: PSs to MR, MOS(R).**

**Copy to: PSO/Sr.PPS/PPSs/PSs/PA to:**

....Contd/-