

(Open Court)

Central Administrative Tribunal, Allahabad Bench, Allahabad

O.A. No.330/00817/2020

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

This the 1st day of January, 2021.

1. Smt. Rabia Begum about 62 years w/o late Sher Ali.
2. Mohd. Shafiq aged about 26 years son of late Sher Ali
Both r/o 10-A, Garden No. 6, Rail Bazar, Meerpur Cantt.,
Kanpur..

Applicants

By Advocate: Sri Vinod Kumar

Versus

1. Union of India through General Manager, North Central Railway, Subedarganj, Prayagraj, Allahabad.
2. Divisional Railway Manager (P), North Central Railway, Nawab Yusuf Road, Allahabad now Prayagraj.
- .

Respondents

By Advocate: Sri Shesh Mani Mishra

ORDER

By Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)

Heard Learned counsel for the applicants, learned counsel for respondents on admission and perused the record.

2. At the very outset, learned counsel for respondents, who has appeared on advance notice, raised a preliminary objection with regard to delay in filing the instant Original Application. He has contended that husband/father of the applicants had died on 27.9.2009. However, the Original Application has been filed in the year 2020. Thus, there is a delay of about 10 years in filing the O.A. It is also contended that compassionate appointment cannot be claimed as a matter of right.

3. In reply, learned counsel for applicants has submitted that immediately after the death of husband of applicant No.1, the applicant No.1 had moved an application on 7.12.2010, seeking

compassionate appointment for his son i.e. applicant No. 2. However, at that time, as the applicant No.2 was a minor, his date of birth being 24.9.1992, he was not given appointment and the department continued to give her assurance that her case would be considered after his son attains majority. But when despite waiting for several years, nothing was done, applicants were constrained to move the present O.A. before this Tribunal.

4. Learned counsel for applicants submitted that as per Railway Board's Supplementary Circular 44 to Master Circular No. 16 para 2 (iii), RBE No. 77/2011 dated 31.5.2011, Judgment passed by this Tribunal in O.A. No. 1158/2006 (Mela Ram Vs. Union of India and others) decided on 29.5.2011 and judgment passed by Hon'ble High Court, Allahabad in Writ Petition No., 51526/2011 (Union of India through G.M., West Central Railway, Jabalpur and another Vs. Mela Ram and another), there is no delay in filing the instant O.A.

5. Learned counsel for applicants submitted that applicants will be satisfied at this stage, if they are permitted to move a representation along with relevant rules, circulars and judgments cited above, before the concerned authorities and the concerned authorities be directed to decide that representation of the applicants in accordance with law, keeping in view the relevant rules, circulars and judgments, in a time bound manner.

6. Considering the limited prayer made by the learned counsel for applicants, no fruitful purpose will be served in keeping this O.A. pending and it is disposed of finally at the admission stage, with the following directions to the parties:-

i) The applicants shall move a fresh representation, ventilating all his/ her grievances, annexing all the relevant rules, circulars

and judgments of the Hon'ble High Court and CAT referred to above, within a period of 15 days from today.

ii) The competent authority amongst the respondents is directed to decide it by a reasoned and speaking order within a period of 3 months from the date of receipt of representation moved by the applicants.

iii). The order so passed shall be communicated to the applicant without any delay.

iv). It is made clear that I have not expressed any opinion either on the merit of the case or on the delay condonation.

v). No order as to costs.

(Justice Vijay Lakshmi)
Member (J)

HLS/-