

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
Original Application No.180/00021/2021

Tuesday, this the 12th day of January, 2021

C O R A M :

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER
HON'BLE Mr.K.V.EAPEN, ADMINISTRATIVE MEMBER

Arun Nath M, aged 27 years
 S/o Muraleedharan Pillai
 Residing at: Paingavil Thottathil
 Murunthal-B, Perinad P.O, Kollam
 Pin – 691 601
 Mob: 9544167212

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

v e r s u s

1. Union of India, represented by the
 General Manager, Southern Railway
 Headquarters Office, Park Town P.O
 Chennai – 600 003
2. The Chief Personnel Officer
 Southern Railway
 Headquarters Office, Park Town P.O
 Chennai – 600 003
3. The Divisional Railway Manager
 Southern Railway, Thiruvananthapuram Division
 Thiruvananthapuram – 695 014
4. The Senior Divisional Personnel Officer
 Southern Railway, Thiruvananthapuram Division
 Thiruvananthapuram – 695 014

5. The Chief Medical Superintendent
 Railway Hospital, Southern Railway, Pettah
 Thiruvananthapuram – 695 024Respondents

(By Advocate : Mr.Sunil Jacob Jose)

This application having been heard on 12.1.2021, this Tribunal on the same day delivered the following :

O R D E R (ORAL)

HON'BLE Mr.P.MADHAVAN, JUDICIAL MEMBER

The applicant is the son of Mr.Muralidharan Pillai.K who was declared as medically unfit in all categories of Railway service. The applicant is aggrieved by a letter issued by the 3rd respondent, rejecting the request for an appointment on compassionate grounds under the scheme for appoint on compassionate grounds for the dependents in the cases of medical invalidation/de-categorization of the employees. Hence he approached this Tribunal praying for the following reliefs:

" (a) *Call for the records leading to Annexure A1 and quash the same;*

(b) *Declare that the applicant is entitled to be considered for an appointment on compassionate grounds, consistent with Annexure A11 and A12 Railway Board orders;*

(c) *direct the respondents to consider the case of the applicant for grant of an appointment on compassionate grounds and to grant the benefit of appointment with in a time frame, as may be found just and proper by this Hon'ble Tribunal;*

(d) *Award costs and incidental thereto*

(e) Pass such other orders or directions as deemed just and fit by this Hon'ble Tribunal. "

2. When the matter came up for consideration, it appears that the Competent Authority has not considered the relevant Railway Board Orders in the impugned order. The impugned order does not contain any satisfactory reason for rejection of the representation given by the applicant.

3. **In view of the cryptic nature of the impugned order, applicant is directed to file a fresh representation showing various Railway Board Orders and relevant rules within a period of one month and the Competent Authority will consider the said representation on the basis of relevant RBE orders passed by the Railway Board and pass a reasoned and speaking order within a period of three months from the date of receipt of such representation of the applicant.**

4. The Original Application is disposed of as above at the admission stage itself. No costs.

(K.V.EAPEN)
ADMINISTRATIVE MEMBER
sv

(P.MADHAVAN)
JUDICIAL MEMBER

List of Annexures

Annexure A1 - True copy of the letter bearing No.V/Z.735/05/2019, dated 2.12.2019 issued by the 3rd respondent

Annexure A2 - A true copy of the report bearing No.V/MD.84/1/UF, dated 25.3.2015 by 5th respondent

Annexure A3 - A true copy of the letter bearing No.QLN/6, dated 24.8.2017, from the Senior Section Engineer, P Way, Kollam

Annexure A4 - A true copy Standing Disability Assessment Board Certificate, dated 27.1.2017, issued from the District General Hospital, Thiruvananthapuram

Annexure A5 - A true copy of the request submitted to the Hon'ble Railway Minister dated nil by the applicant's mother

Annexure A6 - A true copy of certificate No.V/MD.84/1/UF issued by 5th respondent, dated 20.3.2018

Annexure A7 - A true copy of the order bearing No.V/P.579/1/M-UF/QLN dated 1.10.2018, issued by the 4th respondent

Annexure A8 - A true copy of the representation dated "Nil" submitted to the 4th respondent by the applicant's mother

Annexure A9 - True copy of the office order No.28/2019/WP, dated 5.3.2019 issued by the Senior Divisional Personnel Officer

Annexure A10 - True copy of the representation dated 19.3.2019 submitted to the 4th respondent

Annexure A11 - True copy of the Railway Board order bearing RBE No.8/2000 dated 18.1.2000

Annexure A12 - True copy of the Railway Board order bearing RBE No.78/2006 dated 14.6.2006

Annexure A13 - A true copy of the PPO No.20197060400348 dated 3.7.2019 issued by the Divisional Finance Manager

Annexure a14 - A true copy of the service certificate dated 3.7.2019 issued by the fourth respondent .

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