

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00489/2020

Jabalpur, this Thursday, the 24th day of September, 2020

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBER



Yogesh Raikwar, S/o Late Shri Pannulal Raikwar
Aged about 23 years,
R/o C/o Khubchand Khoiya, H.No. 344,
Vijay Nagar, Chandbad,
Bhopal (MP) Pin 462010

-Applicant

(By Advocate – **Shri Ajay Pratap Singh**)

V e r s u s

1. Union of India, through its General Manager,
West Central Railway, Indira Market
Jabalpur (MP) P.C. 482001

2. The Chief Works Manager,
Coach Rehabilitation Workshop, (C.R.W.S.)
West Central Railway, Nishatpura
Bhopal, (MP)- P.C. 462010

3. The Deputy Chief Materials Manager,
Coach Rehabilitation Workshop (C.R.W.S.),
West Central Railway, Nishatpura Bhopal,
(MP)- P.C. 462010

4. The Senior Personnel Officer,
Coach Rehabilitation Workshop (C.R.W.S.),
West Central Railway, Nishatpura
Bhopal, (MP)- P.C. 462010

- Respondents

(By Advocate – **Shri A.S.Raizada**)

ORDER(ORAL)**By Ramesh Singh Thakur, JM:-**

Through this Original Application the applicant is challenging the order dated 16.10.2019 whereby the respondents has passed the impugned order.



2. From the pleadings the case of the applicant is that Late Smt. Kastoori Bai Raikwar had adopted the applicant on 04.10.2004 as her son and as per information, date of birth of the applicant was recorded as 18.09.1995 in the register adoption deed in life time of Smt. Kastoori Bai Raikwar. As per Annexure A-1 Smt. Kastoori Bai Raikwar was working as a peon in Railway in the Department of Store. The mother of the applicant (Smt. Kastoori Bai Raikwar) recorded the name of the applicant as a family member in the family record and also in other service records as per Annexure A-1.

3. It has been further indicated from the pleadings that the mother of the applicant Smt. Kastoori Bai Raikwar died on 16.10.2017 and the death certificate is annexed as Annexure A-4. The applicant submitted application for appointment on compassionate grounds on 29.12.2015 and has mentioned his date of birth on the basis of date of birth mentioned in the educational certificates.



4. The application dated 29.12.2015 was submitted to respondent No.3 which is annexed as Annexure A-5. The respondent No.3 did not respond to the applicant's application for compassionate appointment. The respondents vide order dated 16.01.2017 had admitted the claim of the applicant for compassionate ground as per policy of Railways, but not issuing appointment order and demanding correction of educational certificates treating date of birth 18.09.1995 as correct date of birth mentioned in the adoption deed and date of birth certificate issued by Govt. of U.P.

5. We have perused the relevant documents. As Per Annexure A-9, which is the birth certificate issued to the applicant, wherein the date of birth has been mentioned as 18.09.1995. We have also perused the Annexure A-7 which is the certificate of Secondary School Examination wherein the date of birth of the applicant has been mentioned as 20.01.1997.

6. As per impugned order Annexure A-11 the respondents have not rejected the case of the applicant but only mentioned that there is discrepancy in the date of birth

in the School certificate and the certificate issued by the Nagar Nigam.

7. At this stage counsel for the applicant submits that the applicant will be satisfied if the applicant may be permitted to file detail representation to the competent authority explaining discrepancies regarding Annexure A-11 and the competent authority may decide the same in a time bound manner.



8. We have considered the matter and we are of the view that natural justice will be met if the respondents are directed to decide the issue of appointment on compassionate grounds specifically keeping in mind Annexure A-11.

9. Therefore, the applicant is directed to submit the detail representation to the competent authority of the respondents within a period of one week. After receiving the order of this Tribunal, and on receipt of such detailed representation the competent authority of the respondents shall decide the same within a further period of four weeks.

10. Needless to say that the respondents shall pass the speaking and reasoned order and the averments made in the

detail representation shall be met while passing the final order.

11. With these observations the Original Application is finally disposed of at the admission stage itself.



(Naini Jayaseelan)
Administrative Member
rn

(Ramesh Singh Thakur)
Judicial Member