

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA 1419 of 1990

Date of decision: 12.4.91

Gabdu Ram

Applicant

vs.

Union of India & Others

Respondents

PRESENT

Shri B.N. Bhargava, counsel for the applicant.

Shri P.S. Mahendru, counsel for the respondents.

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Hon'ble Shri P.H. Trivedi, Vice-Chairman (A).

Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J).

(Judgment of the Bench delivered by Hon'ble Shri Justice Ram Pal Singh, Vice-Chairman (J).)

By this O.A. under Section 19 of the Administrative Tribunals Act, 1985 (hereinafter referred to as 'Act'), the applicant prays for the direction to the respondents to give appointment to his son on compassionate grounds.

2. The applicant was working as a Gangman in G. No. 12 at Inchapuri under PWI/Gurgaon of Bikaner Division in Northern Railways when, in the year 1987, both the eyes of the applicant got afflicted with some eye disease and ultimately on 2.2.89, vide Annexure A-1, he was declared unfit for Railway job. The certificate for this purpose was not issued on 2.2.89 but on 30.5.89. The applicant had two daughters and a son, named Hira Lal, aged 21 years. The younger daughter was minor. Hira Lal received education upto High School. Though the applicant had, on 23.12.87, vide Annexure A-2, prayed for light duty by means of a representation, but it was not considered upto 30.5.89 when he was ultimately retired from Railway service. He had

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yet 8 years to complete the date of superannuation. The applicant filed application (Annexure A-3) before the respondents for giving appointment to his son in the Railway Department on compassionate grounds, but the Department rejected the said prayer by their letter dated 29.9.89 (Annexure A-4). Annexure A-4 is the letter issued from the office of the Circle Manager, Railways, Bikaner. This letter contains a cryptic order that "your son cannot be appointed on compassionate grounds". Prima facie, this order is not ^a speaking order and no reasons assigned for rejecting the prayer of the applicant. From the documents produced, it appears that the applicant's son was major and educated upto High School. Before passing of the Annexure A-4, a letter was issued by the Personnel Officer of Bikaner Circle (Annexure A-3) on 23.5.89 in which it was directed that medical examination of the son of the applicant should be conducted. In the amended OA, the applicant has stated vividly his financial condition and prayed for compassion on valid grounds. It appears that the respondents have not applied their mind to all these facts and summarily dismissed the prayer without giving any cogent reasons.

3. Counter has been filed by the respondents opposing the prayer in the O.A. R-1, the document filed by the respondents, indicates that on 9.4.90, the son of the applicant was directed to get himself before the Medical Board for ascertaining his age. Annexure A-9 is the letter issued by the respondents on 11.4.90 by which Hira Lal, son of the applicant, was directed to appear for the assessment of his age by the Medical Board. After this, there was a complete silence and the impugned order was passed though the respondents were asking the applicant's son to get his

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age assessed. Without waiting for the examination by the Medical Board, the impugned order (Annexure A-4) was passed hurriedly, giving no reason, and in a telegraphic and cryptic manner. Instructions issued by the Railway Ministry on 7.4.83 were perused which deal with the appointment on compassionate grounds to the family members of the disabled or deceased or retired Railway personnel. According to this order, compassionate appointments of the family members of those Railway employees can also be considered by the Railway Department who have been retired as medically incapacitated. It also appears that the respondents have not applied their mind to this circular of the Department and arbitrarily passed Annexure A-4 which is not a speaking order. Consequently, this O.A. is partly allowed and the respondents are directed to reconsider the prayer of the applicant for the appointment of his son, Hira Lal, on compassionate grounds in the Department, keeping in mind the provisions of the order or rules of the Ministry of Railways issued on 7.4.83. The respondents are further directed that instead of passing cryptic order, well reasoned order for accepting or rejecting the prayer be given. With these observations, this O.A. is disposed of. Parties are directed to bear their own costs.

Ram Pal 12.4.91
(RAM PAL SINGH)
VICE-CHAIRMAN (J)

P.H. Trivedi 12/4/91
(P.H. TRIVEDI)
VICE-CHAIRMAN (A)