

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

(19)

C.P. NO. 414/93 &
M.A. NO. 1056/94 in
O.A. NO. 1979/91

New Delhi this the 23rd day of November, 1994

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

Roop Chand S/O Dalip Singh,
Vill. Nihal Pura, Post. Soli,
Distt. Jhunjhunu (Raj.).

... Applicant

By Advocate Shri V. P. Sharma

Versus

1. Shri S. N. Mathur,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Shri Batla Sahib,
Divisional Railway Manager,
Northern Railway,
Bikaner (Raj.)

... Respondents

By Advocate Shri K. K. Patel

ORDER (ORAL)

Shri Justice S. C. Mathur --

The applicant alleges disobedience by the respondents of the Tribunal's judgment and order dated 25.5.1992 passed in O.A. No. 1979/91.

2. In the aforesaid O.A., the applicant had claimed compassionate appointment in the Railway administration consequent on the death of his father in harness in January, 1977. The Tribunal taking note of the judgment in Angoori Devi & Anr. vs. Union of India (O.A. No. 2080/89 decided by the Principal Bench on 4.1.1991), directed that the applicant shall make a representation to the respondents to consider his case for compassionate

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appointment in the light of the decided authority (Angoori Devi's case) within a period of six months from the date the representation is received by the respondents. The applicant's case is that he made representation on 1.7.1992 and thereafter submitted reminder on 1.9.1992, but he failed to get appointment, and even consideration of his representation.

3. On behalf of the respondents, compliance report has been submitted in the shape of order dated 17.7.1994 passed by the Deputy Director Establishment (N) II, Railway Board. In this order, the claim for compassionate appointment has been negatived on the ground that the applicant made application after 18 years of death of his father and after 3 years of attaining majority. The order points out that the applicant attained majority in September, 1987 while the application for compassionate appointment was made on 1.7.1991. The order also notes that after the death of his father, appointment was offered to the eldest son but he did not respond thereto. Thus, the claim for compassionate appointment has been negatived on two main grounds — first, there was considerable delay in making application for appointment; and, secondly, the applicant's elder brother had already been offered appointment which he declined. The question for consideration is whether this consideration by the Deputy Director can be said to be sufficient compliance of the

judgment of the Tribunal. The submission of the learned counsel for the applicant is that the consideration of his representation was to be made in accordance with the judgment of the Tribunal in Angoori Devi's case (supra).

4. The judgment in Angoori Devi's case was filed by the applicant along with his G.A. and we have gone through the same. In that case, Angoori Devi did make an application for appointment of her elder son after nine years but it was made one year prior to his attaining majority. This is a distinguishing feature. Another distinguishing feature is that no other dependent of the deceased had been offered appointment prior to the making of application by Angoori Devi for appointment of her elder son. The order of the Deputy Director has to be read along with the note dated 21.10.1992 prepared by the Divisional Railway Manager in which it is mentioned that the facts in Angoori Devi's case were different. We are also of the opinion that the facts in Angoori Devi's case were different.

5. The judgment of the Tribunal required consideration of the applicant's case. The judgment did not direct the respondents to necessarily give appointment to the applicant. The respondents have considered the applicant's claim and rejected the same, in our opinion, on relevant consideration. The respondents cannot, therefore, be said to have disobeyed the mandate of the Tribunal.

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6. The learned counsel for the applicant submitted that while exercising contempt jurisdiction it is not open to this Bench to review the judgment of the Tribunal of which disobedience is alleged, or to consider its correctness or validity. We are neither reviewing the judgment of the Tribunal nor expressing doubt about its correctness.

7. In view of the above, we are of the opinion that no disobedience has been made by the respondents. The application is accordingly rejected. There shall be no orders as to costs.

P. T. Thiruvengadam

(P. T. Thiruvengadam)
Member (A)

S. C. Mathur

Chairman

/as/