

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 7th day of March, 2000

Original Application No.421 of 1996

District : Jhansi

CORAM :-

Hon'ble Mr. S. Biswas, A.M.

Ajai Kumar Saini,
S/o Late Sri Krishna Kumar Saini,
R/o Near Dwivedi Gairage,
Gandhi Nagar, Mahoba.

(Sri RK Nigam, Advocate)

. Applicant

Versus

1. Union of India through General Manager,
Central Railway, Bombay V.T.
2. Divisional Railway Manager,
Central Railway, Jhansi Division,
Jhansi.

(Sri G.P. Agrawal, Advocate)

. Respondents ..

ORDER (O_r_a_l)

Heard counsel for the parties. Certain point that has emerged in this case is whether the compassionate ground application for appointment of the applicant filed by his grand-mother to respondent no.2 has been rejected or not ~~or not~~ and whether the application is irregular or not?

2. It has come on record that the applicant's father expired on 24-12-1980 when he was merely five years old. As per the School Leaving Certificate (Annexure-A-V) his date of birth is 10-3-1976. There is no dispute regarding the acceptability of this certificate as proof of the date of birth.

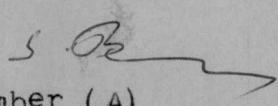
3. It is also observed in this case that the said application to respondent no.2 is still outstanding and the same has not yet been disposed of. Learned counsel

for the respondents has taken the stand that the application is ab initio vitiated by factual mistake. Therefore, the same is liable to be rejected but there is no record that the respondent has disposed it off.

4. It has also come out that the application was made after near about 10 years of the applicant's father's death. The issue, therefore, is to be sorted out whether this application can be taken for the purposes of compassionate appointment or not and secondly whether the mistake in the grandmother's application can be ^{considered} constituted as factual mistake to reject the application.

5. ^{SB} It is observed that the date of birth as per the certificate enclosed as Annexure-A-5 is to be accepted. ~~2nd time~~ ^{SB} The representation on the compassionate appointment even beyond five years period is directed to be considered and disposed of by the competent authority within a period of two months from the date of receipt of the copy of this order.

6. The OA is disposed of with the above direction with no order as to costs.


Member (A)

Dube/