

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Allahabad this the 24th day of November 2000.

Original Application no. 983 of 1996.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman

Virendra Maurya, S/o late Sant Deo Maurya,
R/o Village Patra Post Office Pipraich,
Tehsil Sadar Distt. Kanpur.

... Applicant

C/A Shri B. Tiwari

Versus

1. Union of India through President of Railway,
Baroda House, New Delhi.
2. General Manager, N.E. Rly., Gorakhpur.
3. Divisional Railway Manager, N.E. Rly., Varanasi.
4. Chief Personnel Officer, N.E. Rly.,
Gorakhpur.
5. Divisional Supdt. of Mudran Evam,
Lekhan Samigri Printing Press, N.E. Rly.,
Gorakhpur.

... Respondents.

C/Rs Shri A. Tripathi.

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O R D E R(Oral)

Hon'ble Mr. Justice R.R.K. Trivedi, VC

By this O.A. under section 19 of the A.T. Act, 1985, applicant has prayed that the respondents be directed to give appointment to him on compassionate ground as his father Shri Sant Deo Maurya, died on 28.04.83 while in service with railways. The claim of the applicant however was rejected by order dated 01.08.96 on the ground that such benefit is available to the employees with temporary status who died after 31.12.86, copy of the order has been filed alongwith Counter Affidavit.

2. Learned counsel for the applicant has placed order dated 31.12.86 and also order dated 14.03.97 and has submitted that para 5 of the order dated 31.12.86 was modified by para 3 of the order dated 14.3.97. Relevant para 3 reads as under :-

"Pursuant to discussions in the PNM meeting with NFIR held in October, 1996, it has been decided in partial modification of para 5 of letter No. E(NG)II/84/CL/28 dated 31.12.1986 quoted above, that the above dispensation may be extended to cases where death of the Casual Labour with temporary status had occurred prior to 31.12.1986."

3. Learned counsel for the applicant submitted that inview of the aforesaid modification, the claim of the applicant may be considered on merits. As the claim

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of the applicant for consideration of his appointment on compassionate ~~the~~ ground ~~cannot be~~ made out from the documents filed alongwith OA, ~~and~~ he is entitled for it.

4. The O.A. is ~~disposed of~~ ^{allowed} accordingly with the direction to the respondents to consider the claim of the applicant for appointment on compassionate ~~the~~ ground in the light of the order ^{dated} dated 31.12.86 and 14.03.97 within a period of four months from the ^{date of} communication of this order.

5. No order as to costs.



Vice-Chairman

/pc/