

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.689 of 1998.

Allahabad this the 01st day of September, 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

1. Smt. Malti Devi
Wife of late Jogeshwar Maurya
2. Madhav Lal Maurya
son of late Jogeshwar Prasad Maurya.

Both are resident of Village Barupur, Post Office Ahampur, Tehsil Kunda, District Pratapgarh, at present residing at the House of Sri Lalit Ojha, 1119, Shiv Nagar, Allahapur, Allahabad.

.....Applicants.

(By Advocate : Sri Satish Dwivedi)

Versus.

1. Union of India
through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway Lucknow Division,
Lucknow.
3. The Assistant Personal Officer,
Northern Railway, Lucknow.
4. The Signal Inspector, Northern Railway,
Varanasi.

.....Respondents.

(By Advocate : Sri P Mathur)

O_R_D_E_R

Heard Sri S Dwivedi learned counsel for the applicant and Sri P Mathur learned counsel for the respondents.

2. Late Jogeshwar Maurya, the father of the 2nd applicant was Permanent Signal Fitter in the Department of Railways. While posted at Varanasi, he died in harness on 10.12.1994. The 1st applicant is the widow, while second one is the son of late Jogeshwar Maurya. It is not disputed that Madhav Lal Maurya, the 2nd applicant was selected for compassionate appointment on the post of Electric Fitter-III subject to

TDG

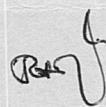
medical fitness. The instant O.A. seeks issuance of a direction to the respondents to appoint the applicant No.2 on the post of Electric Fitter on compassionate grounds or in the alternate, to examine the applicant No.2 for appointment in any other category and give him appointment in accordance with his qualification on the post for which he is found medically fit.

3. Sri P Mathur learned counsel for the respondents has submitted that the applicant was found medically unfit in BEE-1 and below category and on that account he could not be appointed. Learned counsel for the respondents has also submitted that applicants are residing in the Pratapgarh, therefore, the O.A. is not maintainable here at Allahabad Bench of this Tribunal. Further, that various orders were passed in 1996 and 1997, but the O.A. was instituted on 07.07.1998 and is, therefore, liable to be dismissed on that ground.

4. I have heard counsel for the parties and perused the medical certificate of Senior Divisional Medical Officer, Northern Railway, Charbagh, Lucknow wherein the applicant No.2 was found unfit in BEE-one and below category in Electric Branch/Department of Railways. Medical certificate dated 20.02.1996 has been produced before me during the course of argument.

5. At this stage, learned counsel for the applicant requested that the O.A. may be dismissed as withdrawn with liberty to the applicant to approach the Departmental Authorities for medical examination by a Medical Board. In that view of the matter, the O.A. is dismissed as withdrawn with liberty to approach the Competent Authority for medical test by a Medical Board.

No costs.



Vice-Chairman.