

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
ALLAHABAD.

Dated: Allahabad, the 27th day of February, 2001  
Coram: Hon'ble Mr. S. Dayal, A.M.

ORIGINAL APPLICATION NO. 933 OF 1998

Manoj Kumar Srivastava,  
son of late Ramesh Chandra Srivastava,  
r/o 935-G, Krishi Nagar, Gorakhpur.

..... Applicant  
(By Advocate Sri O.P. Khare )

Versus

1. The Union of India, through Secretary,  
and Chairman, Railway Board,  
New Delhi.
2. The General Manager,  
North Eastern Railway,  
Gorakhpur.
3. The Chief Commercial Manager,  
North Eastern Railway,  
Gorakhpur.

..... Respondents

(By Advocate Sri A.V. Srivastava)

O R D E R (ORAL)

(By Hon'ble Mr. S. Dayal, A.M)

This application has been filed for setting aside the Railway Board's circular dated 3.8.83, by which the age for making representation for compassionate appointment to the wards of the Railway servant has been restricted to 55 years. A further direction is sought to the respondents to take positive decision

*[Signature]*

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in the matter of compassionate appointment of the applicant. A direction has also been sought to the respondents to give same treatment to the applicant as was given to Sri Sushil Kumar Srivastava, who is working as T.T.E., Kanpur.

2. The facts mentioned by the applicant are that his father, who worked in the office of the Respondent no.3 as Office Superintendent Grade-II was subjected to adverse treatment of suspension and service of charge-sheet for minor and major penalty, which led to his losing mental equilibrium and becoming sick. He wrote on 28.8.97 to Respondent no.3 to consider the appointment of the applicant on compassionate ground and follow it up by application dated 28.10.97. After 31.10.97 and 25.9.98, the applicant also made a representation for compassionate appointment.

3. We have heard Sri Om Prakash Khare for the applicant and Sri A.V. Srivastava for the Respondents. Learned counsel for applicant reiterated facts stated in the application and prayed that a direction be given to the respondents to decide his representation. He relied on the order of Central Administrative Tribunal Patna in O.A. 433 of 1996 dated 5.4.99 for relief in this O.A. The Patna Bench of the Tribunal decided as follows regarding the prayer for compassionate appointment of the applicant in that case:-

" In the light of what has been discussed above, this O.A. must succeed. It is held that the claim of appointment on compassionate grounds can not be refused to the applicant no. merely on the ground that his deceased father, Baidyanath Chaudhary was incapacitated a day before the

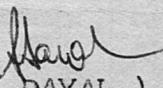
retirement and that his death occurred subsequent to his superannuation. The respondent authorities are, therefore, directed to consider the case of the applicants for appointment on compassionate ground and to pass an order in accordance with statutory regulations and instructions."

4. The learned counsel for Respondents has contested the claim of the applicant by mentioning that the applicant's father had attained the age of superannuation. He has denied that the charge-sheet for minor and major penalty were issued on account of any bias against the applicant. He has also denied that the applicant was declared medically unfit for further services.

5. There is no denial that the representations of the applicant's father as well as applicant were received by the respondents.

6. In the circumstances, it is considered appropriate to direct the respondents to decide the representation of the applicant made on 20.7.98. In order to facilitate the disposal of the representation, we permit the applicant to file a comprehensive representation within 15 days of the date of this order and the respondents shall decide the same within 3 months from that date.

There will be no order as to costs.

  
( S. DAYAL )  
MEMBER (A)

Nath/