

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHBAD BENCH
ALLAHABAD

Dated: this the 11th day of August 2008

Original Application No.1233 of 2004

Hon'ble Mr. A.K. Gaur, Member (J)

Smt. Raj Kumar, W/o late Sri B.L. Misrha, R/o Village Adaulli, Post Kumhiyana, Distt: Kaushambi, UP.

...Applicant

By Adv : Shri R. Verma

V E R S U S

1. Union of India, through General Manager, Ministry of Railways Government of India, New Delhi.
2. The General Manager, (Jan Paripvadana) North Eastern Railway, Gorakhpur.
3. Zonal Manager Railway (Karmik), Izzatnagar.

...Respondents.

By Adv : Shri K.P. Singh

O R D E R

Heard Shri D. Tiwari, brief holder of Sri R. Verma learned counsel for the applicant. Shri K.P. Singh, learned counsel for the respondents.

2. Learned counsel for the applicant contended that the application of the applicant for compassionate was rejected by the then Divisional Railway Manager, Izzatnagar solely on the ground that the age of the applicant was 26 years at the time of death of her husband.

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3. Sri D. Tiwari brief holder of Sri R. Verma learned counsel for the applicant vehemently argued that no other reason has been assigned by the Competent Authority before rejecting her representation. There is no bar under the Railway Rules that a person aged about 26 years cannot be appointed. He further submitted that the cases of number of similarly situated persons have been considered by the Competent Authority and they have been appointed on compassionate grounds. Copy of the order dated 30.03.2004 was never received by the applicant. However, after coming to know of the same the applicant filed a detailed representation quoting instances of the persons, who were considered for compassionate appointment in a similar and identical situation.

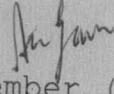
4. Having heard Shri D. Tiwari brief holder of Sri R. Verma learned counsel for the applicant, I am firmly of the view that the grievance of the applicant might be redressed in case a direction is given to the competent authority to consider and decide the pending representations of the applicant dated 19.04.2004 (Annexure A-2 to the OA) by a reasoned and speaking order, taking into account the cases of all similarly situated persons, who were considered for appointment on compassionate ground, within a period of three months from the date of receipt of a copy of this order.

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5. Accordingly, I direct the competent authority to consider and decide the pending representations of the applicant dated 19.04.2004 (Annexure A-2 to the OA) by a reasoned and speaking order, taking into account all the cases of all similarly situated persons who were considered for appointment on compassionate ground, within a period of three months from the date of receipt of a copy of this order. Be it noted that I have not passed any order on the merit of the OA.

6. With the aforesaid observation the OA is disposed of. No costs.

/pc/


Member (J)