

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

ORIGINAL APPLICATION NUMBER 901 OF 2004

ALLAHABAD, THIS THE 19th DAY OF AUGUST, 2004

HON'BLE MR. D. R. TIWARI, MEMBER (A)

1. Shri Nanhen Lal Patel s/o Late Shiv Murat.
2. Smt. Gulabi Devi widow of Shiv Murat.

Both r/o Village - Nanka Ka Pura,
Post office - Umri, Via-Sahaso,
Tehsil- Phool Pur, District-Allahabad.

....Applicants

(By Advocate : Shri J.N. Rai)

V E R S U S

1. Union of India through General Manager,
North Central Railway Zone, Allahabad.
2. Divisional Railway Manager, North Central Railway,
Allahabad, District-Allahabad.
3. Loco Foreman Chunar, North Central Railway Zone,
Allahabad.
4. General Manager, North Central Railway,
Head Quarter Office, Allahabad,
District-Allahabad.

.....Respondents

(By Advocate : Shri A.K. Gaur)

O R D E R

By this O.A. filed under section 19 of A.T. Act, the applicant has prayed for quashing of the order dated 16.02.2004 passed by respondent No.2 D.R.M. North Central Railway, Allahabad and has sought further direction to be issued to the respondent No.4 for consideration of the representation filed by the applicant with consequential benefits.

Dava

2. The facts, in brief, are that the father of the applicant died in the year 1976. Later on a request was made for compassionate appointment to the elder son of the applicant who also subsequently died. When the applicant came up of age, the request was made to the competent authority for appointment on compassionate grounds. The D.R.M. has rejected his request for appointment on compassionate grounds by letter dated 16.02.2004 and thereafter the applicant has represented to the G.M., N.C.R. and has mentioned that as per Railway Board instructions circulated by their letter No. E(Ng)II/84/RC-1/26 dated 17.10.1995, which provides that the General Manager has been authorised to condone the delay up to 20 years in old cases for its consideration on merit. It appears previously basing his request on the strength of the circular. He has represented to the General Manager.

3. Shri M.K. Sharma holding brief of Shri A.K. Gaur counsel for the respondents has opposed this O.A. on the ground that this is a case, which is highly time barred and is barred by limitation also and on this ground alone, it is not maintainable. He has further submitted that the object of the compassionate appointment is to tide over the immediate financial crises of the family and he argues that no exception can be taken to the order of the D.R.M. dated 16.02.04.

4. I am not impressed by the argument as representation is based on the Railway Board's circular dated 17.10.1995. I am of the view that it would be just and proper if the representation of the applicant is decided by a reasoned and speaking order within a stipulated period.

5. Accordingly the O.A. is disposed off at the admission stage itself with a direction to the respondent No.4 to decide the

Shan

// 3 //

representation of the applicant by passing a reasoned and speaking order within a period of 4 months from the date of receipt of a copy of this order and the applicant may be informed accordingly. No order as to costs.

H. S. Mehta
Member (A)

shukla/-