

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No.340 of 2005.

Allahabad, This the 05th day of October, 2007.

Hon'ble Mr. Shailendra Pandey, Member-A

Prahalad Prasad Gupta, a/a 32 years, S/o late Chattu Gupta, R/o Village Paniyahwan, Post Chitauni, Tehsil Padrauna, District Kushi Nagar.

...Applicant.

(By Advocate : Shri Ashok Pandey)

Versus

1. General Manager, N.E.R., Gorakhpur.
2. Chief Administrative Officer/Nirman, Eastern Railway, Gorakhpur.
3. Deputy Chief Engineer/Nirman, NER, Gorakhpur.

Respondents.

(By Advocate : Shri Sushil Kumar)

ORDER

The learned counsels for the applicant and respondents appeared before us before the 'Lunch' today and were requested that the same may be taken up after lunch as the time was over. The case was adjourned to after lunch. After lunch the learned counsel for the applicant is present, but the respondents' counsel is not present. As the matter relates to compassionate appointment and the respondents have filed their Counter Affidavit, I have decided to hear the case.

2. The learned counsel for the applicant has argued that the case of the applicant for

compassionate appointment was not agreed by the respondents on the ground that the applicant could not be considered to be a dependant under the Railway Pass Rules and also family pension was being paid to the deceased's wife. The applicant's counsel has argued that the Railway Pass Rules are not relevant in this connection and that the Rules for grant of compassionate appointment should have been followed. On being asked by the Bench to produce the same Compassionate Appointment Rules for perusal, he was unable to produce a copy of the said Rules. However, the applicant has also brought to the notice of this Tribunal the Railway Board's letter dated 4.8.2005 regarding a Special Drive to clear the backlog and holding of "Adalat for pending Compassionate Appointment Cases", in which it was mentioned that "such cases should be considered with more compassion keeping in view the financial status of the ex-employee as also his dependencies."

3. Having seen the record of the case and having heard the applicant's counsel and keeping in view the Railway Board's letter dated 4.8.2005, I think that the ends of justice would be met if the applicant makes another request to the Railway authorities in the matter bringing out the factors that merit his case to be considered as and when his turn comes for appointment on compassionate grounds, and we direct the Railway authorities to examine the request of the applicant in terms of the existing

rules for grant of compassionate appointment and pass a reasoned and speaking order in the matter. The above exercise shall be completed within a period of three months from the date of receipt of such representation.

4. With the above, the O.A. stands disposed of with no order as to costs.



MEMBER-A

GIRISH/-