

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO. 571 OF 2005.

ALLAHABAD THIS THE 28TH DAY OF MARCH 2007.

HON'BLE MR. JUSTICE KHEM KARAN, V.C.

Jagat Singh, son of Shri Deera, Resident of Village Manakjuni, Tehsil
Amroha District J.P.Nagar,

.....Applicant

(By Advocate: Sri V.P. Gupta)

Versus.

4. Union of India through its General Manager, North Central Railway, Allahabad.
5. The Divisional Railwau Manager, North Central Railway, Moradabad.
6. P.W.I, Northern Railwa, Amroha, J.P. Nagar.

.....Respondents

(By Advocate Sri D.S Shukla)

ORDER

Heard Sri V.P. Gupta, learned counsel for the applicant and Sri D.S. Shukla, learned counsel for the respondents.

2. The applicant claims himself to be the son of late Dheera, who died on 14.1.1997, while working as Gangman under P.W.I, Amroha under Moradabad Division of Northern Railway. It is said that he left behind him his elder son, Amar Singh and younger son, the present applicant and his widow. There is no dispute that applicant's elder brother Amar Singh applied to the authorities concerned for compassionate appointment but his claim was not accepted for the reason that there was some discrepancy about the date of birth. After rejecting the claim of Amar Singh, the applicant moved for his appointment on compassionate ground. It transpires from perusal of D.R.M's order, copy of which is Annexure 4, that the case of the applicant was processed up to certain extent but owing to a dispute with regard to the date of birth of his father, the matter was held up ^{at} ~~on~~ that. In other words, respondents have not taken any decision so far on the request of the applicant for compassionate appointment, ^{so} ~~so~~ applicant has filed this O.A. praying that they be commanded to give him appointment on compassionate ground.

(8)

2.

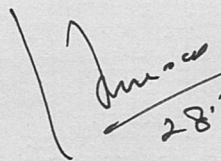
3. In their reply, respondents nowhere say that they took any final decision on the request of the applicant for compassionate appointment. In other words, the request is still pending. Sri D.S. Shukla says further were not taken because the applicant filed this O.A. It has also been said in the reply that O.A. is time barred.

4. In so far as the point of limitation is concerned, Sri D.S. Shukla has not been able to satisfy me as to what will be the point of time, from which the period of limitation will start in case where the Authorities have taken no decision, this way or that way on the application for compassionate appointment. I think that the plea that O.A. is totally barred by time, is totally misconceived as in the case in hand, the request of the applicant for compassionate appointment is still pending with the Authority as shown in Annexure 4. I have not been able to appreciate as to how the discrepancy about the date of birth of the father of the applicant is to come in way of the applicant in seeking appointment on compassionate grounds.

5. I am of the view that the respondent NO.2 should be directed to take an early decision on the request of the applicant for compassionate appointment and there is not good ground for keeping that matter pending for all these years.

6. So the O.A. is finally disposed of with a direction to the respondent No.2 to take an early decision preferably within a period of four months (from the date a certified copy of order is produced before him) on the application of the applicant for compassionate appointment in place of his father, who died in harness and communicate the result to the applicant by Registered post.

No costs.


28.3.07
Vice-Chairman.

Manish/-