

(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD**

This is the 22nd day of July, 2021

ORIGINAL APPLICATION NO. 330/00493 of 2021

HON'BLE MR. TARUN SHRIDHAR, MEMBER (A)

Girija Shankar S/o Late Radhey Lal, aged about 23 years, R/o Etah Bypass, Ganga Nagar, Shikohabad, District Firozabad 283135.

.....Applicant.

Advocates for the Applicant : Mr. A.N. Ambasta/Shri S.S. Sharma
Mr. Ravi Sharma

VERSUS

1. Union of India through the General Manager, North Central Railway, Headquarters Office, Subedarganj, Allahabad.
2. The General Manager, North Central Railway, Headquarters Office, Subedarganj, Allahabad.
3. The Chief Medical Superintendent North Central Railway, Agra Cantt.
4. The Divisional Railway Manager, North Central Railway, DRM Office, Agra.
5. The Divisional Personnel Officer, North Central Railway, DRM Office, Agra.

.....Respondents

Advocate for the Respondents : Shri S.M. Mishra

O R D E R

I have joined this Single Bench on-line through Video Conferencing.

2. Shri Amar Nath Ambasta, learned counsel for the applicant and Shri L.S. Kushwaha holding brief of Shri Shesh Mani Mishra, learned counsel for respondents, both are present in court.
3. Heard learned counsel for the parties and perused the records.

4. The applicant is aggrieved by an order dated 19.06.2019 passed by the Divisional Personnel Officer vide which his representation for seeking compassionate appointment in the respondents organization i.e. North Central Railway, Agra has been rejected.

5. Brief facts of the case are that the father of the applicant was an employee of the Indian Railways, who was retired on medical grounds as he suffers from paralysis which rendered him unfit to perform his official duties. This fact of his inability to work on account of serious medical issues was certified by a duly constituted Railway Board.

6. Learned counsel for the applicant argues, fairly so that in accordance with the Rules of the Railways governing the subject and the Railway Manuals, the legal heirs i.e. the present applicant has a bonafide and genuine claim to seek appointment on compassionate grounds in the respondents organization. To this effect, he has made a representation to the authorities on two occasions, first in the year 2015 and thereafter in the year 2018. It is only after a long gap that the authorities have decided the representation and rejected it vide the impugned order. Learned counsel points out that the impugned order makes a very cryptic and turns mention that the applicant has been found unfit for appointment hence, his representation is rejected. No detailed reasons have been adduced as to how his fitness was evaluated and what are the reason that he has been found unfit. On the face of it, this impugned order does not meet the requirements of a reasons and speaking order and hence it cannot be sustained.

7. The applicant has sought a limited relief i.e. his representation may be considered once again and the authorities may take a reasoned and considered view on that.

8. Learned counsel for the respondents vehemently agrees that the respondents are open to a review of their earlier order and give a fresh look to the representation filed by the applicant and take a fair and judicious decision in the matter.

9. In view of the position stated above and the points argued by learned counsel for both the parties, the present O.A is disposed of with the following directions:-

(a) The impugned order dated 19.06.2019 issued by Divisional Personnel Officer, North Central Railway, Agra Cantt. is quashed.

(b) The respondents, specifically respondent No. 4, to review the representation of the applicant and take a fair and judicious view governing the rules of the organization for compassionate appointment of the wards of those employees who have been retired/ discharged on medical ground. The D.R.M. while deciding the representation will keep in mind that the very tighten of the series appointment on compassionate grounds so the element of compassion should be kept it mind while taking the decision on the representation. The applicant is at liberty to file an additional and supplementary representation, if s so desires.

(c) The above direction be complied with within the period of six weeks from the date of receipt of a certified copy of this order.

10. It is made clear that I have not expressed any opinion on the merit of the case.

11. No order as to costs.

(TARUN SHRIDHAR)
Member (A)

Manish/-