

THE CENTRAL ADMINISTRATIVE TRIBUNAL-ALLAHABAD BENCH-ALLAHABAD.

T.A. NO. 1873 of 1987.

Smt. Gulab Devi & others..... Applicants.

Versus

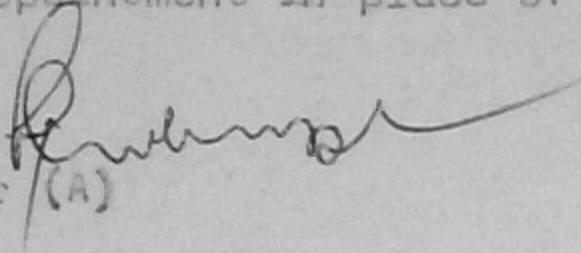
The Union of India & others. Respondents.

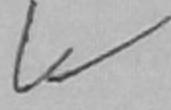
Hon'ble Mr. Justice U.C-Srivastava- V.C.
Hon'ble Mr. K. Obayya - A.M.

(By Hon'ble Mr. Justice U.C.Srivastava-V.C.)

This Writ petition has been transferred to this Tribunal by the High Court Allahabad. The applicants mother and son prayed that mandamus be issued to the respondents to appoint the applicant no. 2 i.e. son on the ground that his father Ram Das who was a Gang man died in harness on 27.3.1974. At that time the applicant who was eldest son was aged about 12 years. The Widow's pension was granted to the applicant no. 1. She applied as a widow for compassionate appointment on 21st July, 1974. According to her she moved the application in the year 1979 also, but her case was not considered sympathetically. She filed an application again for job for her son. Copy of the alleged application dated 23.7.1974 was on the record. The original ~~fixe~~ acknowledgment filed by the Railway Board has been produced before us which reveals infact such a letter was sent by her to the Railway Administration in 1985. The Railway Administration without considering the merits rejected the same on the grounds that it has become time barred. In the written statement also this plea has been taken, that the applicant wants to re-open 10 years old case which is not permissible under the rules providing for appointment on compassionate ground. Further after attaining majority within a period of six months the applicant should move the application which was not done. The facts as stated above that the applicant did apply for the first time in the year 1974 for herself and it seems that she has waiting for appointment, ultimately she moved an application. It cannot be said that it is the case of continuous demand and not for opening of the same * some 10 years after the death of the deceased. If the applicant no. 1 who was not to be given appoi

ment because of the age factor. The application on behalf of the applicant's son could have been considered, yet there was some flaw in considering the prayer in respect of the eldest son, it could have been served in respect of the other son. But the application which is said to have been referred to the Head Quarter which has not been going to decide the matter could not have been thrown out on this ground. Thus under the welfare scheme the provisions of compassionate appointment has been provided by the state, it should be fully followed, the same thing is not done and could not be entertained on technical grounds. And such technical grounds which do not bear scrutiny and accordingly this application is allowed and the respondents are directed to consider the claim of the applicant no. 2 within a period of three months for appointment in place of his father. No order as to the costs.


Member (A)


Vice Chairman.

Dt: Aug: 10, 1992.

(DPS)