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RESERVED

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration O.A. No. 1335 of 1988

Paras Nath Mishra Applicant

Versus

Union of India & Others Respondents

Hon. Mr. A. B. Gorthi, A.M.

Hon. Mr. A. N. Prasad, J.M.

(By Hon. Mr. A. B. Gorthi, A.M.)

Aggrieved by the refusal by the Railway Authorities to give him employment on compassionate grounds, Shri P. N. Mishra filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the respondents to appoint the applicant on the post of Khalasi class 'C' on compassionate ground with effect from 30.5.1988.

2. The applicant is the son of Shri Bhola Nath Mishra who was discharged from service on account of his medical unfitness with effect from 22.6.87. The father of the applicant applied to the respondents seeking employment of his son on compassionate ground in accordance with the extant policy on the subject. On receipt of the said application, the applicant was called for medical examination and was found fit to be appointed on the post of Khalasi class 'C' on 30.5.88. However, the respondents failed to proceed further in the matter and finally refused to give any employment to the applicant on the ground that the father of the applicant got himself discharged from service with the help of a fake medical certificate.

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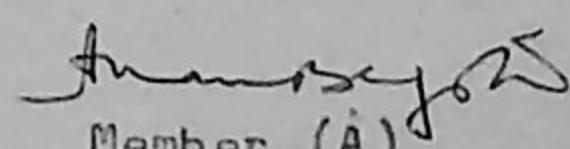
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3. The respondents in their Counter Affidavit reiterated the stand taken by them earlier. According to them the father of the applicant forged a medical examination report and obtained his discharged from service with effect from 22.6.87 on the basis of the said forged medical report. This fact came to the notice of the respondents only when they were processing the case of the applicant for employment on compassionate ground. The respondents are even contemplating action against the father of the applicant.

4. Admittedly, the applicant's father was discharged on the ground that he was declared medically unfit and that the applicant's case for employment on compassionate ground was being examined favourably by the respondents. They however had to take a different look at the entire case on the revelation of the fact that the medical certificate based on which the father of the applicant was discharged was fake and forged. Under the circumstances the respondents cannot be said to have acted either maliciously or illegally. They have rightly refused to entertain the application received from the father of the applicant resulting in denial of employment to the applicant.

5. The application cannot, therefore, succeed and is hereby dismissed without however any order as to costs.


Member (J)


Member (A)

Dated the 01 Nov., 1991.

RKM