

(7)
127

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No. 500 of 1988

DATED : 04/5/1995

Hon'ble Dr. R.K. Saxena, Member(Jud.)

1. B.C. Gaur S/o Shri Sahdeo Singh Gaur R/o
Ex Gaurd 'A' Special, Office of Chief
Controller, Northern Railway, Allahabad.
2. Harendra Kumar, S/o B.C. Gaur, No. 795,
Muthiganj, Allahabad.

Applicants

By Advocate Shri P.K. Kashyap

Versus

1. The Divisional Railway Manager, Northern
Railway, Allahabad.
2. The Senior Divisional Personal Officer,
Northern Railway, Allahabad.
3. The Union of India through its ~~General~~
General Manager, Northern Railway, Baroda
House, New Delhi.

Respondents

By Advocate Shri A.K. Gaur.

O R D E R(Oral)

By Hon'ble Dr. R.K. Saxena, Member(Judicial)

This original application has been
filed by Shri B.C. Gaur who was posted as
Guard 'A' Grade Special at Allahabad. It is
contended that he was sent for periodical
medical examination on 04.3.1985 and remained
under observation till 20.10.1986 but, no

12/8/2

:: 2 ::

certificate about his being medically fit or unfit, was given to him. Ultimately, he sought voluntary retirement which was accepted on 17.11.1986. Subsequent thereto, he moved an application for his son being appointed on compassionate grounds. Learned counsel for the respondents, however, pointed out that this fact of compassionate ground was not at all mentioned in the representation. It is also contended on behalf of the respondents that appointment on compassionate ground, cannot be given to the dependent of the employee on his seeking voluntary retirement. His case should be covered by the grounds which are given in the circular issued by Railway Board from time to time.

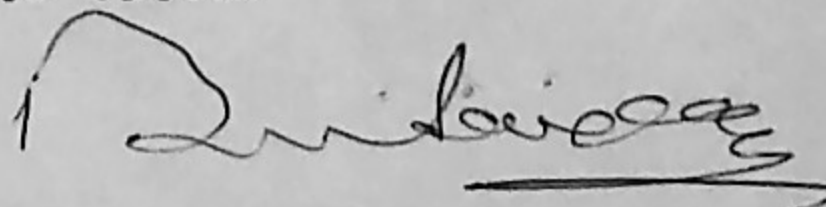
2. During the arguments, the learned counsel for the applicant has shown the photostat copy of an order dated 07.5.1985 passed by Senior Divisional Personal Officer in which it was mentioned that the applicant Shri B.C. Gaur was medically de-categorised on the basis of certificate dated 30.3.1985 issued by the Medical Officer, Allahabad. His contention, therefore, is that the respondents should have taken into consideration this fact also at the time of disposal of the representation made by him. The learned counsel for the respondents

.....pg.2/-

on the other hand, pointed out that this certificate was never presented alongwith the original representation and, therefore, no order could be passed on the basis of the said certificate.

3. The learned counsel for the applicant now urged before me that proper direction if given to the respondents to consider the applicant having been medically decategorised for the purpose of his representation which may be given a-fresh, about the appointment on compassionate ground, he may be satisfied. The learned counsel for the respondents has no objection to this prayer of the applicant. In view of these circumstances, the respondents are directed to consider the representation of the applicant which may be moved a-fresh within 4 weeks and to pass speaking order if dependent deserves to be appointed on compassionate ground on the basis of medical certificate of decategorisation. The applicant shall produce the copy of the certificate of medical decategorisation alongwith his representation. The representation shall be disposed of by the respondents within a period of 12 weeks and the result shall be communicated to the applicant within 2 weeks thereafter.

4. This application is finally disposed of accordingly. No order as to costs.


Member (Judicial)