

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

DATED: THE 28TH DAY OF JULY 1997

CORAM: HON'BLE MR. S.DAYAL, A.M.

ORIGINAL APPLICATION NO.1205 OF 1992

1. Baboo Lal Lalli aged about 54
years son of Lalli, R/o Pulia
No.9, Jhansi.

2. Radhey Lal aged about 22 years
son of Shri Baboo Lal Lalli R/o
Pulia No.9, Jhansi.

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Petitioners

C/A Shri Rakesh Verma, Adv.

Versus

1. Union of India through General
Manager, Central Railway,
Bombay V.T.

2. The Divisional Railway Manager (F),
Central Rly., Jhansi.

3. Senior Divisional Personnel Officer (F)
Central Railway, Jhansi.

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Respondents

 C/R Shri Amit Sthalekar, Adv.

ORDER

BY HON'BLE MR. S.DAYAL, A.M.-

This is a petition under section 19 of the Administrative Tribunal's Act 1985.

2. The applicant no.1 seeks the relief of compassionate appointment of applicant no.2.

3. The facts as narrated in the application are that the applicant no.1 after putting more than 30 years of service with the Indian Railways retired from the post of highly skilled Fitter Grade-I in Loco Shed, Jhansi, on medical ground with effect from 16.9.1991 as per decision of Screening Committee dated 4.9.1991. The Chief Medical ^{Superintendent} ~~Board~~ of Central Railways, Jhansi certified by his letter dated 8/9.4.91 that applicant no.1 was unfit for B-1 and B-2 categories and was fit for C-1 categories (without glasses). The screening committee considered the case of the applicant and decided in its meeting on 4.9.1991 that no suitable job was available for being offered to the applicant no.1. This leads to the retirement of applicant no.1. The applicant no.1 made a representation on 21.11.91 requesting for compassionate appoint of his son Shri Girdhari B1 who had passed 10th standard.

4. The arguments of Shri Rakesh Verma for the applicant and Shri Amit Sthalekar, counsel for the respondents have been heard and the pleadings on record have been taken into consideration.

5. The applicant has claimed that ~~this application~~ he had no other source of income except what he got from the service of the Railways and had 10 members in his

family. These averments of the applicant have not specifically been denied by the respondents in reply. The applicant no.1 claims that he ~~had~~ approached the respondents for the employment of the applicant no.2 by the representation dated 21.11.1991 which had been admitted by the respondents but they have taken a plea that in terms of Railway Board's letter no.E(Ng)II/85/RC-I/46 dated 28.2.1986 and letter No.E(Ng)/III/78/RC-I/1 dated 3.9.83 ~~xxx~~ it was discretionary power of the administration to offer compassionate appointment in cases of those medically decategorised after the age of 55 years. It appears from the reply in the para that this case was not forwarded ^{for} the consideration of the G.M. as stipulated in the master circular of appointment on compassionate grounds dated 12.12.90 produced by the applicant with his Civil Misc. Application No. 2316/96. Sub para (v) of Paragraph I of the Circular reads as under:-

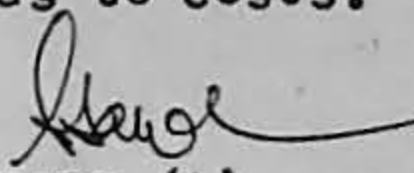
"Where, on being medically decategorised, a Railway employee is offered alternative employment on the same emoluments, but chooses to retire and requests for compassionate appointment, provided that if he has less than three years of service at the time of decategorisation, personal approval of the General Manager is to be obtained before the compassionate appointment is made."

Since *indigence* of the family has not specifically been controverted by the respondents, it appears that the case needs to be forwarded for the G.M. for the consideration as to whether applicant no.2 deserved to be granted compassionate appointment or not.

6. One lacuna which appears in the application is that it has not been explained as to why application for appointment of the first and second son of the

applicant was no made. The respondents have pointed out in their counter reply ^{request for compassionate appointment} has been made for 3rd ⁱⁿ son this case.

7. Since I have reached the conclusion that non denial of eligibility ^{of the family} requires examination of the request of the applicant for compassionate appointment, I permit the applicant to make a representation giving full facts about the family and direct the respondents to consider the representation for compassionate appointment of applicant no.2 in the light of stand of compassionate appointment as contained in the Master Circular dated 12.12.90 within three months from the date of receipt of the representation from the applicant. The application is disposed of with the above direction. There shall be no order as to costs.


MEMBER (A)

Gcs