

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1150 of 1993

Allahabad this the 20th day of January, 2000

Hon'ble Mr. S.K.L. Naqvi, Member (J)

1. Smt. Chandrika Devi, wife of Shri Girija Shankar Tewari, Senior Booking Clerk (Commercial) Patraon, North Eastern Railway, Varanasi Division, resident of Village Parasia Tiwari Post Gaura Jai Nagar, District Deoria.
2. Vinay Kumar Tripathi, son of Shri Girija Shanker Tiwari, Senior Booking Clerk (Commercial) Patraon, North Eastern Railway, Varanasi Division resident of Village Parasia Tiwari, Post Gaura Jai Nagar, District Deoria.

By Advocate Shri S.N. Dwivedi <sup>Srivastava</sup>

Applicants

Versus

1. Union of India through the Chairman, Railway Board, Rail Bhawan, New Delhi-110001
2. General Manager, North Eastern Railway, Gorakhpur U.P.
3. Railway Board through its Chairman, Rail Bhawan, New Delhi.
4. Divisional Commercial Manager, North Eastern Railway, Varanasi.
5. Chief Medical Superintendent, North Eastern Railway, Varanasi.

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6. Chief Medical Officer, North Eastern Rail-way, Gorakhpur.

Respondents

By Advocate Shri Avnish Tripathi

Quo Warrantum ( Oral )

By Hon'ble Mr. S.K.I. Naqvi, Member(J)

The applicants have filed this Q.W. seeking direction to the respondents to grant appointment to applicant no.2 namely Vinay Kumar Tripathi on compassionate ground.

2. As per applicants case Shri Girija Shanker Tiwari, the husband of the applicant no.1 and father of the applicant no.2, was to retire on 28.2.1993 and prior to his retirement, he was medically incapacitated/disabled for being patient of chronic decease of Psychiatric depression and therefore, applicant no.2 is entitled for compassionate appointment which has been refused by the respondents, therefore, they have come up before the Tribunal.

3. The respondents have contested the case on the ground of entitlement of the applicant with specific mention that the father of the applicant no.2 retired on attaining the age of super-annuation and, therefore, there arises no compassionate ground on the basis of being incapacitated or disabled to serve the department.

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4. During the course of arguments, the learned counsel for the applicants filed supplementary affidavit which has been taken on record. Annexure-2 to this affidavit is copy of letter dated 06.1.1999 by the Divisional Railway Manager(P), Varanasi, requesting General Manager(P), North Eastern Railway, Gorakhpur for issuing necessary direction for grant of appointment to the applicant no.2 on compassionate ground, which goes to show that the department is considering the matter. Learned counsel for the applicants submitted with reference to annexures to the supplementary affidavit that the department is not finalising the matter due to pendency of this case.

5. Considering the facts and circumstances of the matter, it is found to be a fit case to dispose of with following observations;

\*The respondents are directed to consider the case of the applicant no.2 for appointment on compassionate ground as may be permissible under rules in this regard and pass reasoned order within 3 months from the date of communication of the copy of this order.\* ~~No-order-~~

6. There will be no order as to costs.

*S. C. S. - 97*  
Member (J)

/Mo Mo/