

(open court)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Dated, Allahabad, this 5th day of January, 2001

CORAM : Hon'ble Mr. Rafiq Uddin, Member (J)

Original Application No. 1354/95

Jaipal Singh

S/o Shri Hukum Singh

resident of Qr. No. 33-B, Railway Colony, Etah

.....Applicant

Counsel for the applicant : Shri S. Dwivedi

V E R S U S

1. Union of India through the
General Manager, Northern Railway, Baroda House,
New Delhi
2. The Divisional Railway Manager,
Northern Railway, Allahabad
3. The Divisional Personnel Officer,
Northern Railway, Allahabad

..... Respondents

Counsel for the Respondents : Shri A.C. Mishra

O R D E R

(open court)

(By Hon'ble Mr. Rafiq Uddin, JM)

The applicant Jaipal Singh, who was holding the post of Switchmen under the Station Master, Somna, Allahabad Division, was discharged from service on 11.7.1994 on his ^Rbeing medically decategorisation. The applicant was also not provided with alternative job by the Respondents. The applicant submitted application for appointment of his son Prempal Singh on compassionate ground in prescribed form to the competent authority. Since no order was passed by the Respondents on his application he has filed this O.A. for seeking direction to be issued to the Respondents to consider appointment of Shri Prempal Singh on compassionate ground in any post within the qualification.

contd....P/2

R_h

(Page-2)

I have heard Shri S.Dwivedi, Learned Counsel for the applicant and Shri A.C.Mishra, Learned Counsel for the Respondents.

Learned Counsel for the Respondents has on the basis of pleadings in C.A. stated that the son of the applicant is not legally entitled for appointment on compassionate ground. Learned Counsel for the applicant has, however, ^{R brought to} ~~has drawn~~ my notice ^R ~~in respect of~~ the provision contained in Railway Board Master Circular No.16/90 dated 12.12.1990 which has been issued instruction for appointment on compassionate ground. One of the circumstances in which compassionate appointment may be give is mentioned in Sub-Clause (iv) and (v) of Clause I of the aforesaid M.C. dated 12.12.1990 which provides as under :-

"(iv). When Railway employees become crippled while in service or developed serious ailment like heart disease, cancer, etc. or otherwise medically decategorised for job they are holding and no alternative job of the same employment can be offered to them;

(v) Where, on being medically decategorised, ^{ca.} Railway employee is offered alternative employment on the same employment, but chooses, retirement and requests for compassionate appointment, provided that if he has less than three years of service at the time of decategorisation, personally approval of the General Manager is obtained before the compassionate appointment is made."

It is clear from the perusal of this instruction that appointment on compassionate ground may be given in case where the Railway employee becomes crippled ^{or} is otherwise medically decategorised for the job he is holding and no alternative job of the same employment has been offered to him. It also provides in case the employee has less than three years of service at the time of decategorisation the personal approval of the General Manager is necessary for making compassionate appointment. Since no reason or ground whatsoever has been mentioned in the C.A. for

(Page-3)

rejecting the claim of the applicant and the O.A. is
disposed of
R. ~~dismissed~~ with the direction to the Divisional Railway
Manager, Northern Railway, Allahabad (Respondent No.2)
to re-consider the case of the applicant for appointment
on compassionate ground in the light of provision of
the Railway Board Master Circular No.16/90 dated 12.12.90
mentioned above and pass suitable order on the pending
application submitted by the applicant in prescribed form
dated 11.7.1994 (a copy of which will be annexed by the
applicant along with the copy of this order) for ready
reference) within 3(three) months from the date of
communication of this order.

There will be no order as to the cost.

Rafiqul Hasan

JM

kkc