

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 27TH DAY OF JULY, 2001

Original Application No. 216 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

1. Arun Kumar Singh, S/o Sri Jagdish Narain Singh, resident of village Barwadeeh, Post Baikunthpur, District Deoria, at present resides at Azad Nagar Sector No.2, Industrial Estate, Gorakhnath Gorakhpur.
2. J.N.Singh, s/o Late Sri Ram Bachan Singh, r/o Mohalla Azad Nagar Sector No.2, Lachhipur Industrial Estate Colony, District Gorakhpur.

... Applicants

(By Adv: Shri K.N.Mishra)

Versus

1. Union of India through the Sefcretary Ministry of Railway, New Delhi.
2. Railway board, Baroda House, New Delhi, through its Chairman
3. General Manager, North East Railway head Quarter Gorakhpur.
4. Divisional railway manager(Karmik) North East Railway, Lucknow.

... Respondents

(By Adv: shriK.P.Singh)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA the applicant has prayed for appointment on compassionate ground. The case of the applicant is that his father Jagdish Narain Singh was serving in Railway as Diesel Driver. He was medically decategorised on 5.7.1996. He was to retire from service on 31.8.1996. It is submitted that as applicant <sup>was</sup> medically decategorised before his retirement the applicant was entitled for benefit of appointment on compassionate ground. Reliance has been placed in the Railway board's circular


No.E(NG)II/95/RC-1/94 dated 10.11.2000. Learned counsel has also placed reliance on a judgement of this Tribunal in case of Shriprakash Vs. Union of India and Others' (1993) 2 UPLBEC 28.

Shri K.P.Singh learned counsel for the respondents on the other hand, submitted that after applicants father was declared medically unfit for the job of Diesel engine driver he was offered the post of Head Clerk but he refused to join. It is also submitted that there after father of the applicant was allowed to retire from service with full pensionary benefits and for the short gap he was granted leave. It is submitted that as applicant's father retired in normal course he is not entitled for the appointment on compassionate ground.

I have considered the submissions of the counsel for the parties. The Railway board in its new circular mentioned above dated 10.11.2000 has given direction as under:

"The matter has been considered by the Board and it has been decided that, in all those cases, in which an employee, declared as medically decategorised before the issuance of Board's letter dated 29.4.99, sought voluntary retirement but he has not yet been given alternative appointment nor he has been adjusted against a supernumerary post, the facility of appointment on compassionate ground may be extended to one ward."

The claim of the applicant has been rejected by order dated 8.9.1998 on the ground that it is not found worth entertaining. No reasons have been disclosed. In these circumstances, in my opinion, the matter requires reconsideration by the respondents in the light of the circular and in the light of the judgment relied on by the counsel for the applicant.





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The OA is accordingly allowed. the order dated 8.9.1998 is quashed. the respondents are directed to reconsider the claim of the applicant for appointment on compassionate ground and in the light of Board's circular and the judgement of this Tribunal in case of Shriprakash(Supra). No order as to costs.

The applicant shall provide copy of the judgment and copy of the circular to the concerned authority alongwith copy of this judgement.

  
VICE CHAIRMAN

Dated: 27.7.2001

Uv/