

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 872 of 1999

Allahabad this the 10th day of August, 2001

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

1. Raja Ram Gupta, Son of A/a years, erstwhile Assistant Station Master, Varanasi, resident of Mayur Vihar Colony, Phulwaria, Varanasi.
2. Umesh Prasad Gupta, Son of Shri Raja Ram Gupta, A/a years, Resident of Mayur Vihar Colony, Phulwaria, Varanasi.

Applicants

By Advocate Shri Satish Mandhyan

Versus

1. Hon'ble Minister of Railways, Government of India, New Delhi.
2. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, Northern Railway, Lucknow.
4. Divisional Personnel Officer, Northern Railway, Lucknow.
5. Senior Divisional Medical Officer, Northern Railway, Lucknow.

Respondents

By Advocate Shri A. K. Gaur.

O_R_D_E_R (Oral)

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

Shri Raja Ram Gupta was appointed as Asstt. Station Master on 26.06.1961. He developed some eye problem and, ^{because} therefore, medically decategorised to perform his duties as Assistant Station Master and, therefore, opted for premature retirement from the service as per his request dated 09.01.1997, copy of which has been annexed as annexure A-5 to the O.A. This request has been accepted vide order dated 19th February, 1997, copy of which has been annexed as annexure A-6. The applicant no.1-Shri Raja Ram Gupta requested for appointment of his son-Umesh Prasad Gupta applicant no.2 on compassionate ground. When he was not positively heard for good long time, he approached the Railway Minister through Shri Virendra Singh, the Member of Parliament and vide annexure A-1 dated 24.09.98 Shri Virendra Singh, M.P. has been informed that the request for compassionate appointment could not be acceded because the applicant opted for retirement when only 3 months were left to his retirement as per prescribed period of superannuation. Being aggrieved of this position, he has come up before the Tribunal seeking relief to the effect that the letter from Railway Minister (annexure A-1) dated 24.09.98 be quashed and the respondents be directed to consider the appointment of applicant no.2 on compassionate ground.

2. The respondents have contested the case and filed the objection on maintainability of the relief through this O.A.

3. Heard counsel for the parties and perused the record.

4. The first objection from the side of the respondents is that the O.A. is barred by period of limitation because impugned order is dated 24.09.98 and the O.A. has been filed on 28.07.99, ~~and~~-i.e. beyond the prescribed period of limitation. Considered this as objection on limitation side and it is found that the letter dated 24.09.98 and the date of filing is 28.07.99 if the limitation is computed from the time when the letter was dated, even then the O.A. is within period of limitation.

5. The other objection is that request for compassionate appointment on the ground of medical decategorisation is not maintainable. I find this objection itself is not maintainable in view of directions and circulars issued from time to time in this regard. Annexure A-4 dated 22.09.95 is one of such instances, which is on the subject 'Employment on compassionate ground on medical decategorisation of ex-Railway Employees'. In this very application, filed as objection on maintainability of the matter, paras-4 and 5 mention that there cannot be any direct appointment on compassionate ground unless and until one is found medically fit and it has also been provided in ^{objection/} this very application that appointment on compassionate ground can only be considered if there is vacancy and there is reference that Minister of Railways has found that the applicant is not entitled to the benefit of compassionate appointment.

6. Keeping in view the facts and circumstances of the matter, I find that the case of applicant no.2 for compassionate appointment has not been properly thrashed and there is no order passed by the competent authority in this regard as nominated under Railway Establishment Manual and, therefore, the competent authority in the respondents establishment is directed to re-consider the matter and pass appropriate order within three months from the date of communication of this order. The O.A. stands disposed of accordingly. No order as to costs.

S. L. Morgan
Member (J)

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