

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

CIRCUIT SITTING AT UTTARANCHAL (NAINITAL)

Nainital, this the 16th day of April, 2004.

QUORUM : HON. MR. JUSTICE S.R. SINGH, V.C.

HON. MAJ. GEN. K.K. SRIVASTAVA, A.M.

O.A. No. 964 of 1999

Mahendra Singh Rawat S/O Late Sri Pan Singh Rawat R/O Vill.
Lamtana, Post Lamgara, Tehsil and District Almora.

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.....Applicant.

Counsel for applicant : Sri Manoj Tiwari.

Versus

1. Chairman, Railway Board, Rail Bhawan, New Delhi.
2. General Manager (Personnel), Northern Railway, Baroda House, New Delhi.
3. Divisional Railway Manager, Nawab Yusuf Road, Allahabad.
4. Union of India through General Manager, Northern Railway Baroda House, New Delhi.

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.....Respondents.

Counsel for respondents : Sri S. Nadeem.

ORDER (ORAL)

BY HON. MR. JUSTICE S.R. SINGH, V.C.

Heard Sri Manoj Tiwari, learned counsel for the applicant, Sri S. Nadeem, learned counsel for respondents and perused the pleadings.

2. The applicant's father Late Pan Singh Rawat was serving on the post of Fitter-Khalasi under the Loco Foreman in Loco Shade, Allahabad. He died in harness on 20.9.1976. The applicant was seven years old at the time of death of his father. It is alleged that on attaining the age of majority, the applicant made representation seeking compassionate appointment. One of the representations addressed to Maha Prabandhak (Karmik), Northern Railway, Baroda House New Delhi has been annexed as Annexure-5 to the O.A.

2. The grievance of the applicant is that his case

Q.D.C.

for compassionate appointment was not considered by the respondents despite repeated representations. Accordingly the instant O.A. has been instituted for issuance of a direction to the respondents to consider and appoint the applicant on compassionate ground. Learned counsel representing the respondents has submitted that application is highly belated and ^{any} in case, submits the learned counsel the applicant has not made out any case for compassionate appointment.

4. Having heard counsel for the parties and having regard to the Railway Board's letter No.E(NG)II/84/BCI/26 dated 6.10.95 on the subject of time limit for appointment on compassionate appointment para 4 of which provides that wherever in individual cases of merit, it is considered that justification exists for extending consideration to cases where death took place over 20 years ago or where the application for appointment is made after over two years after attaining majority, or where the application has been made for other than the first son or the first daughter, the prior approval of the Ministry of Railways should be obtained by forwarding a detailed proposal with specific justification and personal recommendation of the General Manager in the prescribed proforma, circulated vide Board's letter No.E(NG)II/87/BC-1/143 dated 19.1.1988. The applicant is the second son of the deceased Railway employee whose death took place more than 20 years ago in 1976. However, in view of the Railway Board's letter, aforesaid the time limit for appointment on compassionate ground is normally 20 years but there may still be deserving cases justifying appointment on compassionate ground beyond 20 years of the death of the Railway employee. Whether the justification existed for appointment of the applicant even after the normal period of limitation is a question that can be considered only by the concerned authority. We are

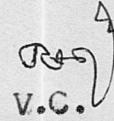
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therefore, persuaded to dispose of the O.A. with a direct: to the General Manager (Personnel), Northern Railway, Baroda House, New Delhi to consider the cases of the applicant in accordance with law and take appropriate decision on his representation for appointment within a period of four months from the date of receipt of a copy of this order along with a copy of the last representation made by the applicant.

5. With the above observation, the O.A. is disposed of with no order as to costs.



A.M.



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V.C.

Asthana/