

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 28th day of February, 2002.

Original Application No. 24 of 2002.

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Virendra Maurya,
S/o Shri Sant Dev Maurya,
R/o Vill-Patra, P.O. Pipraich,
Tehsil - Sadar, District Gorakhpur.

(Sri B. Tewari, Advocate)

..... Applicant

Versus

1. Union of India through
General Manager,
North Eastern Railway, Gorakhpur.
2. Manager Printing and Stationary,
North Eastern Railway, Press,
Gorakhpur.
3. Chief Personnel Officer,
North Eastern Railway, Gorakhpur.

(Sri KP Singh, Advocate)

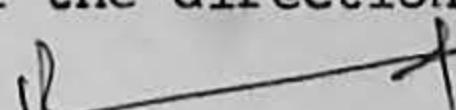
..... Respondents

O R D E R (O r a l)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

By this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has questioned the correctness of the order dated 14-6-2001 passed by the respondent no.3.

2. The facts of the case, in short, are that Late Sant Dev Maurya, the father of the applicant was serving in North Eastern Railway Press, Gorakhpur as Khalasi. He died on 28-4-1983. The applicant approached the respondents to give him compassionate appointment. As the prayer of the applicant was not considered, he approached this Tribunal by filing OA No.983/1996 which was disposed of finally on 24-11-2000, a copy of which has been filed as Annexure-6 to the OA. The impugned order dated 14-6-2001 has been passed in pursuance of the direction of this Tribunal.



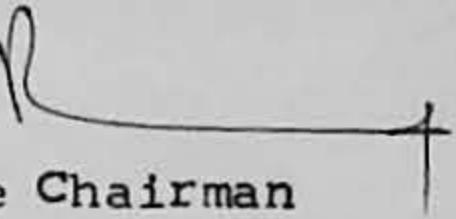
2. Learned counsel for the applicant has challenged the order on various grounds. He has also relied upon the decision of the Division Bench of the Hon'ble High Court in case of Jagdish Ram Vs. Central Adminivstrative Tribunal, Allahabad Bench, 2001(2), ESC 501. One of the submissions of the learned counsel for the applicant is that the matter relating to compassionate ground appointment can be decided only by the General Manager as provided in the Railway Board Circular dated 31-12-1986 and 14-3-1997 (Annexures-A-4 and A-5 respectively). It has also been submitted that this Tribunal while passing the order dated 24-11-2000 specifically referred the aforesaid circulars and as such the Chief Personnel Officer (Respondent No.3) was not ~~the~~ competent to pass the impugned order. Sri KP Singh, learned counsel for the applicant on the other hand submitted that the matter has been considered and decided on merit and no prejudice has been caused to the applicant and he is not entitled for the relief.

3. I have considered the submissions of the counsel for the parties. However, from a close look of the circulars dated 31-12-1986 and 14-3-1997, it is clear that the claim regarding compassionate appointment can be considered and decided only by General Manager, who has been given discretionary power with regard to the same. In the circumstances, the respondent no.3 should not have taken up this matter. It is also not clear that the aforesaid power may be delegated to any other officer. In the circumstances the impugned order is liable to be quashed on the short ground that it has been passed by an authority not compeetent for the same.

4. For the reasons stated above, the OA is allowed. The order dated 14-6-2001 is quashed. However, General



Manager shall consider the matter in the light of the Railway Board Circulars mentioned above and pass a reasoned order within three months from the date a copy of this order is produced. There shall be no order as to costs.


Vice Chairman

Dube/