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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 20th day of OCTOBER 2006

Original Application No. 1178 of 2006

Hon'ble Mr. P.K. Chatterji, Member (A)

Phoolchand, S/o Late Shri Amrit Lal,
R/o Railway Quarter No. H/20/2, Near Railway Hospital,
Narrow Gauge,
GWALIOR.

Applicant

By Adv. Sri R.K. Nigam

Versus

1. Union of India through General Manager,
North Central Railway,
ALLAHABAD.
2. Divisional Railway Manager, North Central Railway,
JHANSI.
3. Senior Divisional Personnel Officer,
North Central Railway,
JHANSI.

Respondents

By Advocate:

O R D E R

The applicant has made representation for appointment on compassionate ground in the year 1988. As no positive action was taken by the respondents the applicant filed OA 720 of 1998 before this Tribunal. On consideration of the OA, the Tribunal issued order dated 21.03.1993 as follows:

"The respondents have opposed the application and have filed their counter affidavit. According to them, vide notification, it

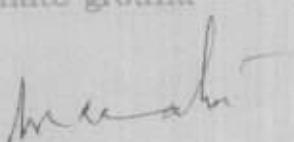
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was found that the applicant was the third child of the deceased and in view of the Railway Board's letter dated 30.04.1979 providing the employment to the third child was not permissible, hence his prayer was rejected and a reply was given on 1/44-50. Merely because the applicant was third child, this itself was not a ground to reject the application. If the other two sons were already in service, it may be that they were living separately but that by itself should not have been taken a ground for rejecting the claim of the applicant. However, undoubtedly the applicant's claim could not have been considered only when the similarly placed other persons, who were claiming compassionate appointments are not still waiting for their turn or their condition is worst than the applicant and really indigent person were also in the queue. It is only after exhausting the said persons, the applicant's case could have been considered. Accordingly the respondents are directed to consider the case of the applicant again for compassionate appointment that not without ignoring the claim of those who were waiting for their turn before him or whose condition is worsed than that of the applicant.

With these observations, the application stands disposed of. No order as to costs."

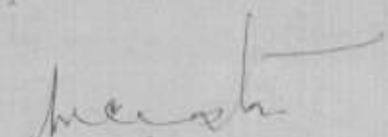
2. The applicant in this OA has submitted that thereafter, no action was taken by the respondents as per direction of the Tribunal. Nothing was communicated to him and his case has remained pending with the respondents all these years. The applicant has further brought to the notice of the Tribunal that a special Adalat for speedy disposal for appointment on compassionate ground cases was formed by the Railways and a circular issued (Annexure A2 and A3). The applicant submits that the Adalat has been formed to consider all the pending cases, undecided cases of appointment on compassionate ground for speedy disposal. After issue of the circular the applicant made a representation before respondent No. 3 for consideration of his long pending case by the Adalat so formed (Annexure A4). According to the applicant the purpose of forming this Adalat would be evident from the very language of the circular that all backlog cases for compassionate ground



appointment cases and according to the learned counsel the applicant's case was not considered in accordance with the Tribunal's order dated 21.01.1993. Now there is a scope to consider his case under the terms and conditions of the Adalat.

3. I, therefore, direct that the respondent No. 3 would, if his request for compassionate appointment was already not considered in terms of the direction of this Tribunal dated 21.01.1993 and if his case comes within the parameters of the circular dated 12.08.2005, place it before the Adalat for consideration and for appropriate decision as will be deemed fit by the Adalat and issue an order accordingly. This may be done within a period of six months from the date of communication of this order.

4. With the above direction the OA is disposed of. No cost.



Member (A)

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