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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1248 of 2006

Tuesday, this the **08th** day of **May**, 2007

Hon'ble Mr. Ashok S. Karamadi, Member (J)
Hon'ble Mr. K.S. Menon, Member (A)

Zubeda Mukhtyar, D/o Late Sri M. Hussain, R/o C/o Sri Vijai Sethi,
Vijai Dairy 31, Punjabi Market, Bareilly.

Applicant

By Advocate Sri Atul Kumar

Versus

1. Union of India Through General Manager, North Eastern Railway, Gorakhpur.

Respondents

By Advocate Sri Anil Dwivedi

ORDER

By Ashok S. Karamadi, J.M.

Learned counsel for the applicant based on the pleadings in the O.A. is seeking direction to the respondents for issue of an appointment order to the applicant on compassionate ground. This submission is based on communication made on the representation submitted by the applicant to the Hon'ble Minister and, thereafter, the direction was issued for compassionate appointment to the applicant and subsequently thereafter, there has been correspondence between the department and the Ministry, however, the applicant is not aware of the final order as on today and, therefore, in the absence of final order by the respondents, the applicant is seeking direction to the respondents for providing compassionate appointment to the applicant by filing the present O.A. On notice, the respondents have filed the counter affidavit. The sum and substance of the counter affidavit is that as there are number of cases of surplus staff, who are waiting for absorption in

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the Railways and that too a large number of cases of compassionate appointment are also pending for consideration due to non-availability of posts, the request of the applicant for compassionate appointment cannot be acceded to. Hence, the respondents have sought for dismissal of the O.A.

2. Admittedly, a representation was made by the applicant and thereon necessary orders were also passed by the concerned Ministry by issuing direction to the authority concerned for giving appointment to the applicant, but the authority has failed to pass any reasoned and speaking order on the representation made by the applicant. Therefore, we think it just and proper to direct the respondents to pass speaking and reasoned order on the representation preferred by the applicant within a period of 3 months from the date a certified copy of this order is produced before them.

3. Accordingly we direct the respondents to dispose of the representation of the applicant by passing a reasoned and speaking order within a period of three months from the date a certified copy of this order is produced before them. The O.A. stands disposed of with these directions. No order as to costs.

Member (A)

Member (J)

/M.M./