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Open Court
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 877 of 2006

Friday, this the 25th day of August 2006

Hon'ble Mr. Justice Khem Karan, Vice Chairman

1. Laxman Singh, aged about 71 years S/o Late Shri Dayal Singh, R/o 688, Nai Basti, Chand Darwaja, Distt. Jhansi.
2. Anil Kumar, aged about 30 years, S/o Shri Laxman Singh R/o 688, Nai Basti Chand Darwaja, District Jhansi.

Applicants

By Advocate Shri Rakesh Verma

Versus


1. Union of India, through the General Manager, West Central Railway, Jabalpur.
2. The Divisional Railway Manager (P), West Central Railway, Jabalpur.
3. The Chief Workshop Manager, West Central Railway, Bhopal.

Respondents

By Advocate Shri P.N. Rai

ORDER

Heard Shri Rakesh Verma, Counsel for the applicant and Shri P.N. Rai, Standing Counsel for Indian Railways on the objection raised by the registry that O.A. is barred by limitation. Shri Verma says that this objection is not tenable in the facts and circumstances of the case because applicant's application for compassionate appointment is still pending with the respondents and they have come to this Tribunal only with a prayer to command the respondent no.1 to take an early decision on the application of compassionate appointment. The Tribunal is of the view that office objection is not sustainable on the facts and it cannot be said that O.A. is barred by

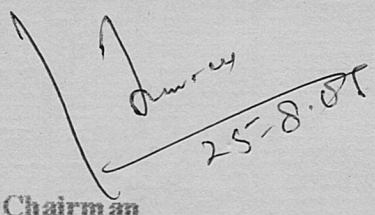


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limitation. Accordingly, request of the applicant under Rule 4(5) of the Procedure Rules, 1987 is accepted.

2. Shri Verma has submitted that the applicant no.1-Laxman Singh was retired on medical grounds on 03.07.1998 and as per rules his son Rakesh Kumar Verma was given compassionate appointment but unfortunately Shri Rakesh Kumar expired on 06.06.2002, hardly within a month of his appointment and so a request was made to appoint the applicant no.2 Anil Kumar-another son of applicant no.1 and that request is pending with General Manager, West Central Railway, Jabalpur for last 2 to 3 years and so applicant has come before the Tribunal for necessary direction to respondents to take an early decision.

3. The Tribunal is of the view that this O.A. can be finally disposed of even at this stage as respondent no.1 has not rejected the claim of applicant no.2 for compassionate appointment and the matter is allegedly pending with him. So, the O.A. is finally disposed of with direction to respondent no.1 namely General Manager, West Central Railway, Jabalpur to take an early decision in accordance with relevant rules/orders on the subject, on the representation dated 30.11.2003, copy of which is annexed as annexure A-8, of the applicant, within a period of 3 month from the date a certified copy of the Order together with copy of the aforesaid representation is produced before him. No order as to costs.


25-8-04
Vice Chairman

/M.M./