

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

ORIGINAL APPLICATION NO. 144 of 2007

ALLAHABAD THIS THE 6th DAY OF March 2009

Hon'ble Mrs. Manjulika Gautam, Member (A)

Raja Ram Gupta S/o late Ganga Prasad Shah, Eastwhile
Assistant Station Master, Varanasi R/o Mayur Vihar Colony,
Phulwaria, Varanasi.

.....Applicant

By Advocate: Shri J.P. Gupta

Versus.

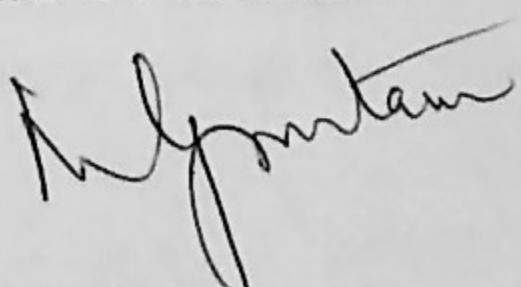
1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Lucknow.

.....Respondents

By Advocate: Shri P. Mathur

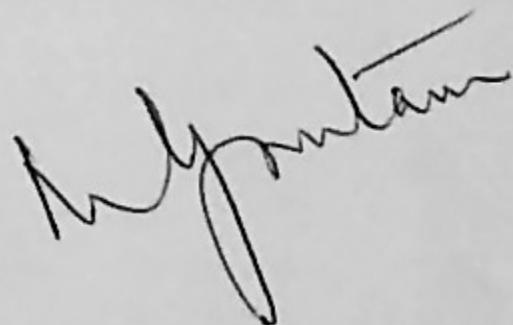
ORDER

The applicant NO.1 Shri Raja Ram Gupta had filed O.A. no. 872 of 1999 for the appointment of his son/applicant NO. 2 on compassionate grounds as he had been medically declassified and had opted for premature retirement from service. The O.A. was disposed of on 10.8.2001 with direction to the competent Authority to reconsider the matter and pass appropriate order within 3 months of the communication of the order. The applicants approached the respondents with the same but the claim of applicant NO. 2 was rejected vide order dated 11.12.2001.



2. The applicants filed O.A. NO. 91/02 challenging the order of the respondents dated 11.12.2001. The O.A. was allowed vide order dated 9.12.2004 with direction to the respondents to reconsider the case of the applicant NO. 2 within 3 months from the date of communication of the order. Against this, the respondents filed Civil Misc. Writ Petition No. 34249 of 2005 in the Hon'ble High Court, Allahabad. Vide order dated 18.1.2006, the writ petition was dismissed and petitioners were mandated to comply with the Tribunal's order within four weeks of receipt of the order. After filing of contempt petition NO. 4388 of 2006, the respondents have passed order dated 2.11.2006 by which they have again rejected the claim of applicants for compassionate appointment. The present O.A. has been filed against this impugned order.

3. Having heard both counsel and perused the record on file. It is abundantly clear that order dated 2.11.2006 passed by the respondents is a reasoned, speaking order. The competent Authority has taken the view that when the applicant NO.1 retired from Railway Service on 9.1.1997 his superannuation was only 3 months 24 days away, therefore, looking at the condition of the family and loss suffered by them on account of retirement for a period of 3 months and 24 days only and that the applicant NO.1 was entitled for full beneficiary benefits, there was no ground for giving



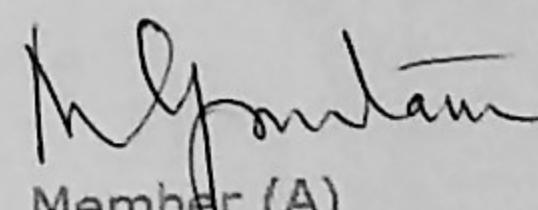
compassionate appointment to his son applicant No.2 Shri Umesh Prasad Gupta.

4. The counsel for the respondents has stressed on the facts that the Tribunal's order has allowed the O.A. on merit and therefore, the compassionate appointment should have been made specially in view of the fact that the writ petition filed by the respondents was dismissed.

5. The counsel for the respondents, on the other hand, has clarified that the case of applicant NO 2 was examined carefully as per existing circular of Railway Board and the Competent Authority did not find it a fit case for grant of compassionate appointment.

6. I have also perused the Board Circular dated 28.2.1986 from which it is clarified that in each case the power to grant compassionate appointment should be exercised judiciously and appointment offered in genuine and deserving cases only.

7. On the basis of the above, I am of the opinion that there is no infirmity in the impugned order passed by the respondents. The O.A. is accordingly dismissed. No order as to costs.


Member (A)

Manish/-