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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.656 OF 2007

ALLAHABAD THIS THE 26TH DAY OF AUGUST 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

1. Chhangoor son of Late Kalloo,
Aged about 36 years,
R/o Village Bhelgo,
P.O. Mohanpur, District-Mirzapur.
 2. Smt. Munri Devi widow of Late Kalloo,
Aged about 52 years,
R/o Village Bhelgo, P.O. Mohanpur,
District-Mirzapur.
- Applicants

By Advocate : Sri Sudama Ram

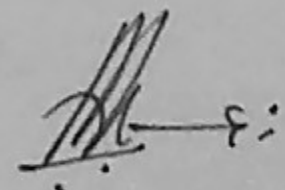
Versus

1. Union of India through General Manager,
North Central Railway,
Headquarter Office. N.Y. Marg.
Allahabad
 2. Divisional Railway Manager,
North Central Railway, Allahabad.
 3. Sr. DPO, North Central Railway,
DRM's Office, Allahabad.
 4. Shri B.D. Pandey, Senior Welfare Inspector
through Sr. DPO, North Central Railway,
DRM's Office, Allahabad.
- Respondents

By Advocate : Sri S. K. Anwar

ORDER

This application is filed seeking direction to quash the impugned order dated 09.11.2006. By the said order the request of the applicant was rejected for compassionate appointment. The learned counsel for the applicant states that since the applicant no. 2 is illiterate is not aware of the formalities for

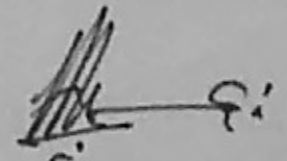


(6)

submitting the application in the prescribed form for seeking compassionate appointment. The applicant no.1 is son of applicant no.2. The employee who was in service was died on 20.02.2001 leaving behind the applicants hence the request is made by applicant no.1. It is stated that the applicant has not given any wrong facts or information to the respondent's authorities but he has stated that the applicant has passed 8th standard for consideration of his appointment and as such sought for the reliefs.

2. On notice the respondents have file the counter affidavit. The respondents have contended that having regard to the fact that the applicant has given the wrong information regarding his qualification and the information furnished with regard to the same are not correct hence the request of the applicant cannot be accepted, and further it is pointed out that the affidavit filed by the applicant himself dated 22.03.2001 in which it is stated that he has passed 8th class but other information also stated that he passed 8th class in April 2003 and in view of the information and materials with regard to his qualification is concerned the respondent's authorities were not in a position to accept the same, therefore, the claim of the applicant was rejected and as such prayed for dismissal of this OA.

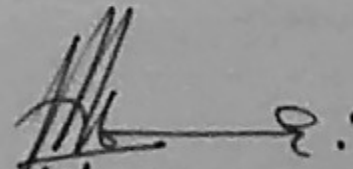
3. I, have heard the learned counsel for the parties and perused the pleadings and the materials on record.



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The learned counsel for the applicant states that subsequently after passing the order the applicant made a representation to the respondent's authorities dated 28.08.2007 (Annexure A-8) explaining the reasons regarding the information and the materials with regard to his educational qualification is concerned and further stated other things which are given requires for consideration of his claim, and placing the same, submits that the representation is not decided by the authorities concerned as on today. That being so it cannot be in any way helpful for the applicant. As the case of the applicant was decided based on the materials furnished by the applicant and the claim was rejected and as such I do not find any justification to accept the contention of the applicant in granting the relief in this OA.

4. Accordingly, the OA is dismissed. However, it is open for the respondent's authorities to decide the representation made by the applicant produced as Annexure A-8 dated 28.02.2007 in accordance with law by a speaking and reasoned order within a period of three months and the same shall be communicated to the applicant. This dismissal of the OA will not come in the way of deciding the representation, by the respondents.


Member-J

/ns/