

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

(3)

O.A. No. 464 of 1989
~~XXX~~

DATE OF DECISION 6.4.1992

Shri Suresh Surajprasad Dhobi Petitioner

Shri A.K. Chitnis Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? ✓
2. To be referred to the Reporter or not? ✗
3. Whether their Lordships wish to see the fair copy of the Judgement? ✗
4. Whether it needs to be circulated to other Benches of the Tribunal? ✗

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Shri Suresh Surajprasad Dhobi,
C/o Nemichand Kanjilal Jain,
Opposite Bus Stand,
Kabir Chowk,
Sabarmati,
Ahmedabad.

: Applicant

(Advocate : Shri A.K. Chitnis)

VS.

1. Union of India, (Notice to be
served on The General Manager,
Western Railway,
Churchgate,
Bombay - 400 020.

2. General Manager, address as above,

3. Divisional Railway Manager,
Divisional Office,
Western Railway,
Vadodara - 309 004.

: Respondents

(Advocate : Shri N.S. Shevde)

O R A L - O R D E R

O.A.No. 464 of 1989

Date : 6.4.1992

Per : Hon'ble Shri R.C. Bhatt

: Member (J)

Heard Shri A.K. Chitnis, learned advocate for the
applicant and Shri N.S. Shevde, learned advocate for the
respondents. The applicant, son of deceased Surjaprasad,
has filed this application seeking the relief that the
General Manager, Western Railway, i.e. respondent no.2,
be directed to issue order granting relaxation in time
limit for giving appointment on compassionate ground.

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The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985, alleging that his father, Surajprasad, ~~was~~ working as PLP under Station Superintendent, Ahmedabad having expired on 8th July 1975 during harness, the respondents should have appointed the applicant, being eldest son of the deceased, in Railway on compassionate ground having regard to his educational qualification. It is alleged in the application that he was minor at the time of death of his father and has become major on 31st March 1985, that he made application, annexure A/4 dated 30.5.1986, to the General Manager, Western Railway seeking his appointment on compassionate ground and referred to his previous application dated 31.3.1985, 9.5.1985, and 26.7.1985. The application dated 31.3.1985 annexure A/2, was made by the applicant's mother and subsequent application dated 9.5.1985 was made by the applicant to the Divisional Railway Manager. The respondents have given reply, annexure 'A', through Divisional Railway Manager on 10.5.1989 to the applicant's mother with reference to her letter dated 19.4.1989 that as her husband expired on 8.7.1975 and as there was no scheme for giving appoint-

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ment to the wards of railway employee dying in harness and that it was a case more than 10 years old, The competent authority decided not to recommend the case. This order does not seem to be legal order, because, the order is to be passed by the General Manager to whom the applicant had made representation, annexure A/4 dated 30.5.1986

2. The respondents in the reply have contended that though the applicant had made representation on 9/25, 5.1985 to the Divisional Railway Manager, Baroda, he having not applied in past because he was under age and that he had not got any other source of income except pension of his mother, and followed by another representation, annexure A/4, to the General Manager, The reply given to the mother of the applicant, annexure 'A', was legal one because the Divisional Railway Manager was competent authority to reject the request of the applicant's mother. In my view this contention is not legal. Learned advocate for the respondents submitted that the applicant having made representation on 30.5.1986, annexure A/4, after lapse of ten years after the death of his father, only General Manager can consider such case of relaxation period. He

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does not dispute the fact that the applicant was minor at the time of his father's death on 8.7.1975. In my opinion when the applicant was minor at the time of his father's death and when he became major on 31.5.1985, as alleged in para 5 of the application, the General Manager ought to have considered the representation, annexure A/4, about the appointment of the applicant on compassionate ground looking to the educational qualification of the applicant, looking to all his family circumstances including financial position and ought to have condoned the delay of one year two months in making the application after he attained the age of majority. In my view, this is a fit case in which direction should be given to respondent no.2, the General Manager who either himself or his delegate may consider the question of appointment of the applicant relaxing the time limit and considering the educational qualification and family circumstances of the applicant. Hence the following order :-

O R D E R

The application is partly allowed.

The impugned order, annexure 'A',

dated 10.5.1989 of the Divisional

Railway Manager is quashed. The respondent No.2, the General Manager, or his delegate is directed to consider the appointment of the applicant on compassionate ground looking to his representation, annexure A/4 dated 30.5.1986, by relaxing the time limit and after considering his family circumstances including financial condition, found fit for appointment on compassionate ground. The respondents no. 2 may decide accordingly within four months from the date of receipt of this order. The respondent no.2 may consider the case sympathetically. The application is allowed to the above extent. No order as to costs.

R.C. Bhatt
(R.C. Bhatt)
Member (J)

*Ani.

M.A. 264/92
in
O.A. 464/89

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Date	Office Report	ORDER
(2) 21.9.92	<p>Resp Submitted Reply not filed R.C. 21/9/92 SD</p>	<p>Present: Mr.N.S.Shevde, Adv/Apt. XXXxAXXXX&XXXXXXXXXXXxRXXX None present for the respondents.</p> <p>Mr. Shevde submits that the copy of the M.A. is served on the respondents advocate. The matter is kept on 25th September, 1992 for reply and hearing of this M.A.</p> <p>Neel (R.C.Bhatt) Member (J)</p> <p>vtc.</p>

M.A. 264/92 in O.A./464/89

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Date	Office Report	ORDER
15-10-92 12		<p>M.A. 264/92 is for extension of time by to maxx three months. Heard. The counsel for the respondents. None for the original applicant. Additional time of two months is granted from today. M.A. is disposed of.</p> <p style="text-align: right;">(S)</p> <p>(N.V.Krishnan) Vice Chairman.</p> <p>*AS.</p>