

IN THE CENTRAL ADMINISTRATIVE TRIAUNAL
AHMEDABAD BENCH

O.A. No.
~~XXX No~~

452 OF 1990.

DATE OF DECISION 20th March, 1992.

Shri Chandulal Chotalal Bhoi & ors Petitioner

Mr. Y. V. Shah

Advocate for the Petitioner(s)

Versus

Union of India and Ors. Respondent

Mr. N. S. Shevde

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt : Judicial Member

✓ 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? ✗

1. Shri Chandulal Chotalal Bhoi,
2. Shri Vinaykumar Chandulal Bhoi.

C/o. Jitendra K. Ved,
Railway Colony,
G.L.Yard, Q.406/B,
Nr. Railway Hospital,
Godhra (Panchmahal)-389 001.

...Applicants.

(Advocate : Mr.Y.V.Shah)

Versus

1. Union of India Representeted,
By the Central Manager,
Western Railway,
Churchgate,
Bombay - 1.

2. Divisional Railway Manager,
Western Railway,
Pratapnagar,
Vadodara - 390 004.

...Respondents.

(Advocate : Mr.N.S.Shevde)

O R A L J U D G M E N T

O.A. NO. 452 OF 1990.

Dated : 20.03.1992.

Per : Hon'ble Mr.R.C.Bhatt : Judicial Member

This application is filed by the applicants No.1, and 2, who are the father and son, seeking the relief that the applicant No.2, ^{be} appointed to service in Western Railway according to eligible catagory in terms of the Divisional Railway Manager's letter dated 23rd June, 1988, produced at Annexure-A/1. The applicant No.1, expired during the pendency of this proceeding. The applicant No.2, therefore, now seeks the appointment on compassionate ground. It is alleged by the applicant no.2, that the representations were made vide Annexure-A/3, dated 17th August, 1989, and Annexure-A/4, dated 1st March, 1990, but the representations have not been disposed of.

2. Learned advocate Mr.N.S.Shevde, for the respondents, submits that the representations at Annexure-A/3, and A/4, referred ^{to} by the applicants in their application have not been received by the respondents and are not available in their file. Mr.N.S.Shevde, also submitted that the competent authority namely Divisional Railway Manager, a Officer who is delegated the powers to decide the representations will use his ^{in while examining the} judicial discretion/question of appointment on compassionate ground. Mr.N.S.Shevde, submitted that this application filed will be treated as representations by the applicant no.2. Hence the following order :

ORDER

"The Divisional Railway Manager or the Officer who is delegated the powers to decide the question of appointment on compassionate ground, to decide the case of the applicant no.2, to appoint on compassionate ground by using judicial discretion and also considering his case sympathetically and to consider the averments made in this application and to give an opportunity to the applicant no.2, to produce any other documents if he so desired in support of this case. The competent authority to decide this case of the applicant no.2, within four months from the receipt of the judgment of this Tribunal. The applicant no.2, if

feel aggrieved by the ultimate order of the competent authority, he will be entitled to move the Tribunal according to law. No order as to costs. The application is disposed of.

R.C.Bhatt

(R.C.Bhatt)
Member (J)

AIT

M.A. 53/91

in

O.A. 452/90

6

Date	Office Report.	order
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8-4-91

Present: Mr. K.V. Sampat, learned counsel for the applicant.

Mr. N.S. Shevde, learned counsel for the respondents.

O R D E R

Permission to delete name of applicant No.1 from title of the original application allowed. Counsel to amend the original application accordingly within seven days of this order. Respondents and applicant to exchange reply and rejoinder if any, former ~~within~~ ^{within two weeks} from four weeks from today and letter ~~from four weeks~~ thereafter. The matter should be listed for final hearing thereafter.

Date

Office Report

Renu
(R.C.Bhatt)
Judicial Member

M.M.S.
(M.M.Singh)
Admn. Member

ttc.

MA/273/92
with
MA/125/92 14
OA/452/90.

(A)

25-9-1992

The Court was adjourned as a mark of respect
to late Hon'ble Justice Shri S.M. Sikri, former,
Chief Justice of India.

Call on 15-10-92

new

Q

(R.C.Bhatt)
Member(J)

(N.V.Krishnan)
Vice Chairman

vtc.

M.A. / 273/92 and M.A. / 125/92 in

O.A. 1452/90

M.A. C.A. T.A. O.A.

1-199

(C) (C)

Date	Office Report	ORDER
20-10-92		<p>Present : Mr.Y.V.Shah for the applicant.</p> <p>Mr.N.S.Shewde for the respondents.</p> <p>M.A./125/92 was filed dated on 26.2.1992, by the applicant for a direction to the respondents to produce certain documents. Original Application itself has been disposed of by order dated 23.9.1992. Therefore, this M.A. does not survive and hence it is dismissed.</p> <p>2. M.A./273/92 has been filed by the respondents for extension of time of 3 months from the date of application i.e. 26.7.1992. Shri Y.V.Shah for the original applicant oppose, the M.A.. The learned counsel for the respondents submitted that due to certain administrative difficulties, the file was put up to the concerned authority when time given by the Bench was about to expire and hence this M.A. <u>He</u> stated that the original order has been complied 09.09.1992.</p> <p>3. In the circumstances, M.A. is allowed. <u>Granting</u> rendering additional time for implementation till 09.09.1992, M.A. is disposed of accordingly.</p> <p><u>He</u></p> <p><u>He</u></p> <p>(R.G.BHATT) (N.V.KRISHNAN)</p> <p>MEMBER (J) VICE CHAIRMAN</p> <p>**S</p>

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M.A 273/92 with M.A. 125/92 in OA 452/90

Date	Office Report	ORDER
16-10-92 15-10-92		<p>List on 5th November 1992. <i>Ch</i> (N.V.Krishnan) Vice Chairman</p>
22-10-92		<p>*AS.</p>