

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A.NO. 313 of 1992
T.A.NO.

DATE OF DECISION 13.12.1996

Chandisingh Ravisingh Parmar Petitioner

Mr. K.K. Shah Advocate for the Petitioner [s]
Versus

Union of India & others Respondent

Mr. R.M. Vin Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. K. Ramamorthy, Member (A)

The Hon'ble Mr.

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

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Chandisingh Ravisingh Parmar
~~Chandisingh~~ 10, Vijai Plot
"Ravi Niwas"
Rajkot- 360 002.

Applicant

Advocate: Mr. K.K.Shah

Versus

- 1) Union of India- Notice to be served through General Manager W.Rly. Churchgate, Bombay.
- 2) Railway Board - through Secretary, Railway Board, Ministry of Railways, Rail Bhavan, New Delhi.
- 3) Divisional Railway Manager, W.Rly. Bhavnagar Dn. Bhavnagar.

Respondents

Advocate: Mr. R.M.Vin.

JUDGEMENT

IN

O.A. NO. 313 of 1992

Dated 13th Decr. 1996

Per Hon'ble Mr. K.Ramamoorthy, Member (A) :

The short issue involved in this O.A. relates to question of appointment on compassionate ground.

The applicant's father was working with the Railways and died on 9.7.79 at which time he was working as Assistant Station Master, Navagarh in Bhavnagar Division. Being of minor age and being the only son, application was made only after the son's attaining majority in age i.e. on 14.10.86. By a letter dated 23.11.88, the authorities had given a cryptic reply as under:-

"With reference to the above applications, it is advised that competent authority has not

considered your case for appointment on compassionate ground. In view of this nothing could be done in your case".

The applicant has also attached ~~xxxxxxx~~ one letter at Annexure A wherein the General Secretary of the All India Railway Federation has been given a reply as under:-

" I am directed to refer to your letter No.AIRF/ 226 (WRI2/89) (528) dated 2nd/4th Decr.1989 on the above subject and to advise you that the last employee died on 9.7.79 leaving behind widow, 5 daughters and one son. The widow asked for compassionate appointment for the first time on 14.10.86 and that too for the 5th child, when he was over 19 years old.

Western Railway, therefore have not considered this case a deserving one and have not made any reference to Railway Board recommending for relaxation of time-limit. As such, the request of Shri Chandī Singh cannot be considered for appointment on compassionate grounds".

In their reply the respondent department have stated that the case pertains to the year 1979/81 (since the widow of the applicant had sent an application on 14.2.81) and during which period Tribunal was not even established and therefore application was liable for rejection on point of jurisdiction. The applicant was also resisted on the ground that the applicant had got a negative reply in November 1988 e itself. The applicant has got a specific reply on 28.11.1988 and therefore the limitation ~~xxxxx~~ started in 1988 while the


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application has been filed in 1991. The fact of continued representation through the Union cannot extend the limitation factor. On that ground also the application deserved disposition.

Heard ~~Mr. Vin~~ and Mr. R.M. Vin
~~Mr. K.K. Shah~~ and Mr. K.K. Shah/Counsels for
the applicant & respondent department respectively.

There is considerable merit in the argument that much time has passed after the death of the railway servant, the incident having taken place in the year 1979 and therefore the question of the Tribunal interfering with the reply given in 1988 does not arise. Having stated this, ~~given~~ the Tribunal would also like to mention that inspite of the passage of time the fact remains that the reply given by the respondent department is very cryptic in nature and does not give out the reason for rejection of the request. The disposal of this application will not therefore come in the way of the respondent department considering the matter anew if any valid ground still remains on receipt of a representation in this regard from the applicant.

With the above remarks, application is dismissed, with however no orders as to costs.


(K. Ramamoorthy)
Member (A)

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