

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. NO. 320 of 1992
~~XXXXXX~~

DATE OF DECISION 22-01-1996.

Shri Viram Madhabhai Jadav **Petitioner**

Mr. M. S. Trivedi **Advocate for the Petitioner (s)**

Versus

Union of India and anr. **Respondent**

Mr. R. M. Vin **Advocate for the Respondent (s)**

CORAM

The Hon'ble Mr. K. Ramamoorthy : **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 ?

No

Shri Viram Madhabhai Jadav,
Parvati Bhavan,
Station Road,
Junagadh.

...Applicant.

(Advocate : Mr.M.S.Trivedi)

Versus

1. Union of India,
(Notice to be served through
the General Manager,
Head Quarters Office,
Western Railway,
Churchgate,
Bombay - 400 020.
2. Divisional Railway Manager,
Divisional Office,
Western Railway,
Bhavnagar Para.

..Respondents.

(Advocate : Mr.R.M.Vin)

JUDGMENT

O.A.NO.320 of 1992.

Date : 22-01-1996.

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

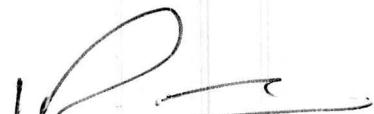
The application relates to the grant of compassionate appointment which has been denied on the ground that the applicant had failed to apply within time.

The facts of the case is as under :

The applicant's father was working as a Fitter (under the Chief EXR) who expired on 14.1.1970. The applicant was a minor being 2½ year old at that time. The applicant's case for compassionate appointment has been refused on the ground that the applicant had not applied within six months from the date of the applicant's attaining majority. According to the respondents, the applicant should have applied before March, 1986 while

according to the respondents they had received the application on 18.8.1987. The applicant has stated that the mother of the applicant had applied in time. Nevertheless, it is clear from the documents that the respondents had not applied its mind as to whether the circumstances of the applicant warranted compassionate appointment as such. The respondents themselves have since extended this period and have also given powers to the General Manager to consider such cases if they duly deserve such consideration. The indigent circumstances of the applicant having been not considered by the respondents, the respondents are directed to reconsider the applicant on merits. For this purpose, the applicant may submit further representation to the respondents detailing the present circumstances of the applicant including the reason for delay that has been caused if any, in formally representing his case before the respondents. If such a representation is received within a period of three weeks, the respondents may consider the matter and dispose of the representation on merit within 16 weeks thereafter.

With the above directions, the application is disposed of. No order as to costs.



(K. Ramamoorthy)
Member(A)

ait.

Date	Office Report	ORDER
4.11.96		<p><u>MA/740/96</u></p> <p>M.A. for extention of time is allowed.</p> <p>MA stands disposed of accordingly.</p> <p> (K.Ramamoorthy) Member (A)</p> <p>npm</p>

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Date	Office Report	ORDER
27.11.95		At the request of Mr.R.M.Vin, adjourned to 5th December, 1995. R (K.Ramamoorthy) Member (A) npm
.95		At the request of Mr.R.M.Vin, the matter is adjourned to 18th December, 1995. R (K.Ramamoorthy) Member (A) npm
18/12/95		HEARD LEARNEO ADVOCATE FOR THE APPLICANT & RESPONDENTS <u>JUDGEMENT RESERVED.</u> R (K.Ramamoorthy) Member (A)
22/1/96		Judgement pronounced in open court R (K. Ramamoorthy) Member (A)

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18/12/95		<p>HEARD LEARNED ADVOCATE FOR THE APPLICANT & RESPONDENTS JUDGEMENT RESERVED.</p> <p>(K Ramamoorthy) Member (A)</p>
22/1/96		<p>Judgement pronounced in open Court</p> <p>(K. Ramamoorthy) Member (A)</p>