

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

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ORIGINAL APPLICATION No.195 OF 1986.

Date of decision	..	August 4, 1987
Sridhar Sahu and another	..	Applicants
Versus		
Union of India & others	..	Respondents.
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M/s Devananda Misra, Deepak Misra, S. Hota, R. N. Naik & R. Mohapatra, Advocates	..	For Applican
Mr. Ashok Mohanty, Standing Counsel, Rly. Administration	..	For Respondents

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes .
2. To be referred to the Reporter or not ? No .
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

JUDGMENT

K.P. ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, petitioner No.1 claims relief for being appointed on regular basis in the Railway Administration.

2. Altogether there are two petitioners. Petitioner No.1 is the son of Petitioner No.2 and Petitioner No.2 is the widow of one Mihir Sahu who was an employee under the Railway Administration and was working as T.P.M. Kaluparaghata under Khurda Division. After serving as such, the petitioner expired on 15.5.1962. A particular scheme was formulated by the Railway Board to give services to the children of Grade III employees on compassionate ground if the employee has expired while in service. Petitioner No.2 made an application for giving an appointment to her son (Petitioner No.1) on compassionate ground due to the death of her husband and father of Petitioner No.1. Under Annexure-1, the petitioner was given casual employment, vide order dated 30.1.1978. According to the petitioners since the petitioner No.1 is not being given regular appointment and is being given work on casual basis, the petitioners have filed an application for appropriate direction being issued to the competent authorities.

3. Even though this application was filed on 24.12.1986 and time was allowed to file counter within four weeks from the date of receipt of the notice, no counter having been filed further prayer was made before this Bench on 30.1.1987 praying for one month's time to

file counter. Prayer was allowed but till now no counter has been filed for reasons best known to the competent authorities. Adjournment was sought by Mr. Ashok Mohanty, learned Standing Counsel for the Railways and we have rejected his prayer for the reasons stated in the ~~order sheet~~ ^{order sheet} ~~petition~~ ⁱⁿ.

4. Our attention was invited by Mr. Deepak Misra, learned counsel appearing for the petitioners to Annexure-3 and 4. The Senior Personnel Officer addressing a letter to the Divisional Personnel Officer, Khurda Road vide Annexure-3 observed that " in terms of Establishment Serial No. 210/79 Board desired that applications which had been received before 30.4.1979 and were under consideration on that date, may be processed as a special case and appointments made if the applicants are otherwise eligible ".

" In view of the above , the case of Sri Sridhar Sahu (meaning the petitioner No.1) may be reviewed as desired by CPO and action taken accordingly ".

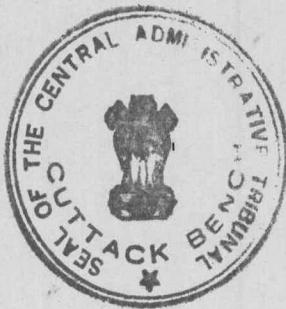
5. Since the competent authority has already taken a compassionate view in regard to the case of Petitioner No.1, which we do appreciate , we would hereby direct that the competent authorities (Opposite Parties Nos. 2 and 4) to consider the case of the petitioner sympathetically and subject to the suitability and eligibility of the petitioner, the petitioner should be given a regular post as early as possible, whenever ⁱⁿ vacancy arises.

6.

Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

regarding
4/8/87
Member (Judicial)

B.R. PATEL, VICE CHAIRMAN, *I agree.*



Ansari
4.8.87
Vice Chairman.

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
August 4, 1987/Roy.