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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORIGINAL APPLICATION NO. 171 OF 1987.

Date of decision .. March 28, 1988

Aloka Ranjan Roy, son of late Prafulla Kumar Ray,
Ex.Mechanic under DEN/C/MCS, Qr.No. F/3, Railway Colony,
Cuttack- 753003. .. Applicant.

Versus

1. Union of India, represented by General Manager, S.E.Railway
Garden Reach, Calcutta (West Bengal).
2. District Engineer, Construction, S.E.Railway, Mancheswar,
At/P.O- Mancheswar, Dist- Puri.
3. Divisional Railway Manager (P),
S.E.Railway, Khurda Road, P.O, Jatni, Dist- Puri.

.. Respondents.

Mr. C.A.Rao, Advocate .. For Applicant.

Mr. Ashok Mohanty, Standing
Counsel , Railways .. 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 have been permitted to see the judgment ? Yes .
2. To be referred to the Reporters or not ? No .
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

J U D G M E N T

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to command the respondents to give him a job in the Railways and also to disburse the gratuity money etc. to the legal representatives of deceased P.K.Ray, ex-Mechanic under the District Engineer (Construction), S.E.Railways, Cuttack.

2. Shortly stated, the case of the petitioner is that he is the son of one Sri P.K.Ray who is since dead and at the time of death Sri P.K.Ray was an Mechanic under the District Engineer (Construction), S.E.Railway, Cuttack. It is alleged by the petitioner that his father P.K.Ray had gone to Calcutta on official duty and suffered from diarrhoea at Calcutta and thereafter he was brought back to Cuttack and admitted in the Hospital where he died on 31.7.1985. According to the petitioner, his father having died in harness, appointment should be given to him. In this connection the petitioner had made a representation to the higher authorities but the authorities vide Annexure-4 stated that under the rules the petitioner cannot be given an appointment as his father had not been given temporary status and he died in the hospital in usual course while he was on leave.

3. Mr. C.A.Rao, learned counsel for the petitioner submitted before us that the authorities should not interpret the rules technically and strictness but a compassionate view should be taken over the petitioner.

Mr. Ashok Mohanty, learned Standing Counsel for the Railway

Administration submitted before us that the departmental authorities have no objection to take a compassionate view but such compassionate view can be taken only within four corners of the relevant rule and Mr. Ashok Mohanty further submitted that there being a ban order for regular appointment it would be difficult on the part of the concerned authority to give an appointment to the petitioner.

4. After hearing learned counsel for both sides, we are of opinion that the petitioner's father late P.K. Ray had been given temporary status as admittedly the petitioner's father had been allotted with a quarters and pass etc. were already issued and from Annexure-2, we find that temporary status had been given to the father of the petitioner. Therefore we have no doubt at all that temporary status had been acquired by the father of the petitioner. In such circumstances, we would say that in these hard days where sustenance of livelihood had become ^a very difficult problem, employer should take a compassionate view in all such matters and if possible some engagement should be given by the Railways which has already been said by the Supreme Court to be a large organisation. We would be ~~happy~~ even if the petitioner is engaged as a casual mazdoor in any project under the Railway. We hope and trust that the authorities would take a compassionate view and do the needful as far as possible to help the petitioner to earn his bread and butter especially when his father had worked for the Railways for long 27 years.

5. As regards payment of gratuity etc. Mr. Ashok Mohanty submitted that the petitioner and his widowed mother

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havenot yet vacated the Government quarters which was allotted to Sri P.K.Ray and under the rules unless he vacates the quarters , gratuity money cannot be released in favour of the petitioner, vide Annexure-C. We would direct that gratuity money etc. be paid to the legal representatives of late P.K.Ray within one month from the date on which the legal representatives vacate the quarters which was allotted to late P.K.Ray.

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

K. S. A. S. B.
28.3.88
.....
Member (Judicial)

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

B. R. Patel
28.3.88
.....
Vice Chairman.



Central Administrative Tribunal,
Cuttack Bench.
March 28, 1988/Roy, SPA.