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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 433 of 1990

Date of decision: 27th September, 1991.

Pusparani Ray and another : Applicant

Versus

Union of India and others : Respondents

For the applicant : M/s Ganeswar Rath,
P.K. Mohapatra,
A.K. Patnaik,
J.C. Sahoo, Advocates.

For the respondents : Mr. Ashok Mohanty,
Standing Counsel (Railway)

CORAM:

THE HON'BLE MR. K.P. ACHARYA, VICE CHAIRMAN

A N D

THE HON'BLE MR. I.P. GUPTA, MEMBER (ADMN.)

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? *N*
3. Whether His Lordships wish to see the fair copy of the judgment? Yes.

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J U D G M E N T

K. P. ACHARYA, VICE CHAIRMAN: In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner pray~~s~~ for consideration of the case of the Petitioner No.2 for appointment on compassionate ground~~s~~.

2. The Petitioner No.1 Pushparani is the widow of late P.K.Ray who died on 31.7.1985 when he was discharging the duties of ^a Mechanic under the South Eastern Railway (Construction). The Petitioner No.2 is the son of deceased and that of Petitioner No.1. The Petitioner No.2 seeks a compassionate appointment as there is no other bread ^{earner} ~~winner~~ Member in the family.

3. In their counter, the Opposite Parties maintain that the case of the Petitioner No.1 Pushparani is being considered for appointment on compassionate ground~~s~~.

4. There is no averment in the counter that the Petitioner No.2 is unfit or unsuitable for appointment. In the counter the Opposite Parties admitted that Prafula Kumar Ray died in harness. After hearing from Mr. Ganeswar Rath learned Counsel for the Petitioners and Mr. Ashok Mohanty learned Standing Counsel (Railway) for the Opposite Parties

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we are of opinion that there is substantial force in the contention of Mr. Rath that instead of the mother being considered, the Son should be considered for compassionate appointment. It is therefore, directed that the Petitioner No.2 should be considered for compassionate appointment and order should be passed without least delay as observed by Their Lordships of Hon'ble Supreme Court in the case of Phoolwati Versus Union of India reported in AIR 1991 S.C. 469.

5. Thus, the application stands allowed leaving the parties to bear their own costs.

J. L. Mahapatra 27/9

 MEMBER (ADMINISTRATIVE)

leg. secy
 27.9.91

Central Administrative Tribunal,
 Cuttack Bench, Cuttack/K. Mohanty
 27.9.1991.



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 VICE CHAIRMAN