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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. No.449 OF 1992

Date of disposal: 10.05.1993

Shri Paila Tarkeswar Rao Applicant

Versus

Union of India and others Respondents

For the Applicant ... M/s. S.S.Rao,
P.K.Mishra,
Advocates.

For the Respondents ... Mr. D.N.Mishra,
Standing Counsel (Rly.)

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CORAM:

THE HONOURABLE MR. K.P.ACHARYA, VICE CHAIRMAN

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? No
3. Whether His Lordship 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,V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the Opposite Parties to implement the Government resolution contained in Annexure 5 and to give the petitioner an appointment on compassionate ground under the rehabilitation assistance scheme.

2. Shortly stated the case of the petitioner is that his father P.Dharma Rao had been appointed as a Turner in shop No.7, bearing ticket No.7152 at Kharagpur workshop in South Eastern Railway. P.Dharma Rao, the father of the petitioner, died in harness on 1st January, 1970 while he was in service. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the opposite parties maintained that according to the Circular issued by the Railway Board, no appointment on compassionate ground be given after lapse of five years ^{from} of the date of death of the deceased employee. and in this case application is made long thereafter which should be in limine rejected.

4. I have heard Mr. P.Kr.Mishra learned counsel appearing for the Petitioner and Mr.D.N. Misra learned Standing Counsel (Railway) for the Opposite Parties. During the argument, Mr.D.N. Misra learned standing Counsel (Railway) submitted that the application should be dismissed on the ground that the petitioner has not come within the prescribed period. The learned counsel appearing for the Petitioner invited my attention to Annexure 6 which contains establishment Sl. No.120/83 dated 30.6.1983 reproducing Board's letter No.E (NG) III/78/78/RCL/1 dated 27.5.1983 Against Sl.No.3 namely 'Time limit for making compassionate appointments' it is stated that Normally all appointments on compassionate grounds should be made within a period of 5 years from the date of occurrence of the event entitling the eligible person to be appointed on this ground. There is a stipulation that 5 years time limit may be relaxed in deserving cases. It is further more stated against Sl.No.4 'persons seeking appointment on compassionate grounds should fulfil the conditions of eligibility regarding age and educational qualifications prescribed for appointment to the post of grade concerned'.

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Had the petitioner applied within five years from the date of death of his father, the petitioner would have been rejected on the ground of minority of the petitioner. The petitioner attained majority much after 1.1.1975, i.e. in the year 1988. He made representations copies of which have been annexed to the petition. But the representations of the petitioner did not yield any fruitful result and therefore within five years from 1988 he has filed this application, i.e. in the year 1992. Therefore, the limitation imposed by the Railway Board cannot be operative in the case of the petitioner as he has rightly made this application within five years from the date of attaining majority.

5. The petitioner's father has died in harness. I find that this is a suitable case in which the compassionate heart should be extended to the petitioner for giving him an appointment on compassionate grounds. I would therefore, direct that compassionate appointment be given to the petitioner commensurate with his educational qualification preferably within ninety days from the date of receipt of a copy of the judgment.

6. Thus the application is accordingly disposed of. No cost.


10/5/93
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 10.5.1993/ K.Mohanty