

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 359 OF 1994

Cuttack this the 27th day of September, 1994.

Bandita Ray

...

Applicant

Vs.

Union of India & Others

...

Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not? *no*

*1.5/1/1*  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

27 SEP 94

*D.P. HIREMATH*  
(D.P. HIREMATH)  
VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO: 359 OF 1994

Cuttack this the 27th day of September, 1994.

CORAM:

THE HONOURABLE MR. JUSTICE D.P. HIREMATH, VICE CHAIRMAN

AND

THE HONOURABLE MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

Bandita Roy, D/o Late Sudhir Kumar Roy,  
W/o Gopal Prakash Samant, At-Khadianga,  
PO/Dist-Kendrapara. ... ... Applicant

By the Advocate ... M/s. J.M. Mohanty, N.P. Samant,  
D.Samal, P.K. Mohanty,

versus

1. Union of India,  
represented through its Secretary,  
Railway, Railway Bhawan, New Delhi.
2. General Manager, S.E.Rly, Garden Reach,  
At/Po-Garden Reach, Calcutta,  
West Bengal.
3. Divisional Manager, S.E.Rly,  
Nagpur Division, At/Po-Nagpur,  
Maharashtra.
4. Divisional Manager, S.E.Railway,  
Khurda Division, At/Po-Khurda Road,  
Dist-Khurda.
5. Divisional Account Officer,  
S.E.Railway, At/Po-Nagpur,  
Maharashtra. ... ... Respondents

By the Advocate ... Mr. D. N. Mishra, Standing counsel.

....

O R D E R

D.P.HIREMATH, VICE CHAIRMAN: Heard both the learned counsel.

The brief facts giving rise to this application are that the petitioner's father Sudhir Roy who was working as a painter, South Eastern Railway died on 17. 3. 1984 leaving behind only daughter the present petitioner who was born on 15. 6. 1967. Thus, when the said Sudhir Roy died, the present petitioner was a minor though had completed 17 years of age. She completed her graduation in Arts and then applied for being appointed in a suitable post in the year 1990. Side by side, she also continued her studies and took Master's degree in Arts in the year 1992. On receipt of her application dated 30. 8. 1990, the Divisional Personnel Officer, South Eastern Railway, Nagpur vide letter dated 22.4.1991 asked her to arrange to submit attested copies of certificates in respect of educational qualification and date of birth which were vital documents to examine the case.

2. The applicant makes averment that this direction was suitably complied with. Thereafter the matter was taken up by one Shri P.K. Samantray,

Member of Parliament addressing a letter to the Hon'ble Minister for Railways. On 8. 4. 1992, the applicant also sent a letter to the Hon'ble Minister

explaining her plight and also annexing certain documents which were required to be considered while considering her application. But it is stated on behalf of the Respondents that no such particulars were available. The averments in the application do reveal that the requirement of the Railway Department was duly complied with. Thereafter, there was no communication from any of the Respondents about disposal of her application. As no reply appears to have been sent by the concerned authority, it must be deemed that the application of the applicant is still pending disposal with the Respondents. It is urged on behalf of the petitioner that though she had attained majority within a few months after the death of her father, she could not immediately apply for a job on compassionate grounds because she was prosecuting her graduation and it shows her thirst for further education as she persisted till she became a double graduate. Argument advanced on behalf of the Respondents by Mr. D. N. Mishra is that the spirit behind compassionate appointment is only to mitigate the hardship of the dependants of the employer under the Railways. The time limit of five years has been laid <sup>in the</sup> ~~by its~~ Board's letter with the discretion by the General Manager to relax it for further five years in deserving cases. As

the applicant herself was prosecuting her studies perhaps she was not interested in applying for compassionate grounds soon after her father's death. We have examined the averments made in the application as well as the spirit of the provisions for compassionate appointment. It is no doubt true that the petitioner did not immediately apply to the General Manager or any other competent authority to appoint her on compassionate grounds but at the same time, it is patently clear that she was only interested in acquiring better educational qualification. When the Board's letter itself makes it patently clear that the General Manager has discretion for further extension of five years, the mere fact that the petitioner has approached after five years should not be a ground to reject the prayer of the petitioner for that reason only. This is a fit case in which the ~~lapses~~ <sup>faulty laches</sup>, if any, on the part of the petitioner should not go to disentitle her for being considered. This is also a fit case which the competent authority should take into consideration that here is a lady who was trying to get a job on compassionate ground. It is only necessary that the respondents or any other competent authority

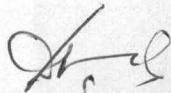
should consider her application and dispose it of expeditiously. The application shall be disposed of as far as possible within two months from the date of receipt of a copy of this order. In case the competent authority required any particulars the petitioner shall readily comply with the same, without any loss of time. On the submission made by the learned counsel for the Railways, Mr. Mishra, we direct the petitioner to send a fresh application with requisite attested copies as contained in Annexure 3/1 in order to avoid further loss of time and soonafter the same is received the competent authority shall dispose of the same as directed above. This however, does not come in the way of the Respondents to dispose of her application now pending with them. ✓

3. With these directions the application is disposed of. No costs.

4. A copy of this order shall be furnished to the learned counsel for both sides.

1.5/1/1  
 (H. RAJENDRA PRASAD)  
 MEMBER (ADMINISTRATIVE)

29 SEP 92.

  
 (D. P. HIREMATH)  
 VICE-CHAIRMAN

Mohanty/-