

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.156 OF 1998
Cuttack, this the 23rd day of December, 1998

Bipin Bihari Pradhan

....

Applicant

Vrs.

Union of India and others

.....

Respondents

FOR INSTRUCTIONS

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

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN *23.12.98*

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CORAM:

HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI G. NARASIMHAM, MEMBER (JUDICIAL)

....

Sri Bipin Bihari Pradhan,
aged about 21 years, son of late
Sankar Pradhan, and Grandson of
late Apariti Pradhan, at Aranachal,
P.O.-Olhen, Via-Nirakarpur, Dist. Khurda..... Applicant

Advocate for applicant - M/s Rajen Mohapatra
K.K. Rath

-versus-

1. Union of India, represented by
its General Manager, Western Railway,
Mumbai.
2. Divisional Railway Manager,
Western Railway, Ajmer, Rajasthan.
3. Divisional Railway Manager (Personnel),
Western Railway, Ajmer, Rajasthan.
4. Divisional Personnel Officer,
Western Railway, Ajmer, Rajasthan..... Respondents.

Advocate for respondents - M/s B. Pal,
A. Ku. Mishra
S. K. Ojha
P. S. Das.

ORDER

SOMNATH SOM, VICE-CHAIRMAN

In this Original Application the petitioner has
prayed for a direction to the respondents to provide him

with a suitable post within a stipulated period. Even though it has not been mentioned in so many words in the relief portion of the O.A. as amended, the application is for compassionate appointment on the ground that the applicant's grandfather Aparti Pradhan was a Gangman in Ajmer Division of Western Railway and he retired voluntarily from service on 30.11.1991 on medical grounds. After his retirement the applicant, who is the grandson of Aparti Pradhan through his second son Sankar Pradhan, has applied for a job because the family is in distressed condition. In view of the order we are going to pass in this case, it is not necessary to go into too many facts of the case.

2. We have heard Shri Rajen Mohapatra, the learned counsel for the petitioner and Shri B.Pal, the learned Senior Panel Counsel appearing for the respondents, and have also perused the records including the counter filed by the respondents.

3. The instructions are very clear that compassionate appointment can be considered only when a Railway servant, as in this case, dies in harness or when he takes retirement on invalidation ground. In the instant case, the applicant's grandfather has taken voluntary retirement. It is stated by the applicant that his grandfather took voluntary retirement on medical grounds. The respondents have enclosed at Annexure-R/1, the letter dated 13.8.1990 of the applicant's grandfather Aparti, s/o Kurpa seeking voluntary retirement.

S. J. Sam

This letter does not speak anything about taking voluntary retirement on medical ground. It merely says that because of family circumstances, the grandfather of the applicant wanted to take voluntary retirement from 30.11.1990. Therefore, it is not possible to hold, as has been claimed by the applicant, that his grandfather took retirement on invalidation ground. In view of this, no case is made out for compassionate appointment to the applicant. We also make it clear that we are not expressing any opinion whether a grandson can be appointed on compassionate ground on the death or retirement on invalidation of the grandfather. We are also not expressing any opinion if the applicant can claim compassionate appointment in Khurda Road Division, S.E. Railway, when his grandfather took retirement from Western Railway at Ajmer, Rajasthan. As the grandfather of the applicant did not die in harness nor did he retire on invalidation ground, the application is held to be without any merit and the same is rejected but without any order as to costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN
23.12.98