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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.204 OF 1998
Cuttack this the 7th day of July/2000

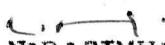
Adikanda Mallik & Another ... Applicants

-VERSUS-

Union of India & Others ... Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to 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 SAHA
VICE-CHAIRMAN

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ORIGINAL APPLICATION NO. 204 OF 1998
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CORAM:

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

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1. Adikanda Mallik,
aged about years,
Son of Late Baidyanath Mallik
At : Barimula, P.O:Barithengarh
P.S: Barachana, Dist: Jajpur
2. Shri Artatrana Mallik
aged about years, Son of
Adikanda Mallik of Village Barimula
P.O: Barithengarh, P.S:Barachana
Dist - Jajpur

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Applicants

By the Advocates

M/s.S.N.Mishra
N.R.Routray
U.K.Bhatt

-VERSUS-

1. Union of India represented by the
General Manager, South Eastern Railway
Garden Reach, Calcutta, West Bengal
2. The Divisional Railway Manager,
South Eastern Railway, Khurda Road Division,
Khurda Road, P.O/PS: Jatni, District:Khurda
3. The Divisional Personal Officer,
South Eastern Railway, Khurda Road,
At/P.O/PS Jatni, District: Khurda
4. The P.W.I., South Eastern Railway
Gorakhanath, P.O:Gorakhanath,
District - Jagatsinghpur

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Respondents

By the Advocates

M/s.B.Pal
A.K.Mishra
S.K.Ojha
P.Das

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O R D E R

MR .SOMNATH SOM, VICE CHAIRMAN: In this Application under Section 19 of the Administrative Tribunals Act, 1985, two applicants (father and son) have prayed for a direction to the departmental authorities to carryout the order dated 17.2.1994 passed by the Tribunal in Original Application No.520/92.

2. For the purpose of deciding this Application it is not necessary to go into too many facts of this case. We have heard Shri N.R.Routray, learned counsel for the petitioner and Shri B.Pal, learned senior counsel appearing for the respondents and have perused the records.

3. The case of the applicants is that applicant No.1 was serving under the Railways as a Keyman. He suffered from Leprosy and remained absent for which his services were terminated. He approached the Tribunal in O.A. 520/92 in which the Tribunal directed payment of pensionary benefits to the applicant No.1 and also directed that one of the sons of the applicant No.1 should be considered for compassionate appointment for rehabilitating the family of applicant No.1. It was also directed that this consideration should be made preferably within a period of 60 days from the date of receipt of application for compassionate appointment. Petitioner No.2 submitted an application on 1.5.1995, i.e. after a delay of more than one year and three months. His candidature was considered and it was decided to offer him compassionate appointment as a substitute. He was also sent for medical examination and he was found fit in the medical examination. At this stage it was found that applicant No.2, Aratrana Mallik did not have the minimum educational qualification of Class-VIII pass which has been fixed for any Group D posts under the Railways. Learned counsel for the petitioner has made his submissions at

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length that this condition is not applicable to the petitioner No.2 because his case for compassionate appointment arose in accordance with the order dated 17.2.1994 of the Tribunal in O.A.520/92 and the circular fixing the minimum educational qualification of Class-VIII came only on 4.12.1998. In any case it is not necessary to go into this aspect because it is submitted by the learned counsel for the petitioner that in the meantime applicant No.2, Artratrana Mallik has acquired the minimum educational qualification of Class-VIII pass. If this be so, then petitioner No.2 should approach the railway authorities with proof of his having acquired minimum educational qualification and the case of the applicant should be disposed of within a period of 60(Sixty) days from the date of receipt about the applicant's proof of having acquired the minimum educational qualification. It is needless to say that the respondents will be free to get the matter enquired into about the genuineness of acquisition of minimum educational qualification by the applicant No.2.

The Original Application is disposed of in terms of observations and directions made above, but without any order as to costs.

(G.NARASIMHAM)
MEMBER (JUDICIAL)

B.K.SAHOO//

Somnath Som.
(SOMNATH SOM)
VICE-CHAIRMAN