

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 551 OF 1999.
Cuttack, this the 14th day of November, 2000.

S. Gadi and another. Applicant.

Vrs.

Union of India & 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)

S. NARASIMHAM
SOMNATH SON
VICE-CHIEF JUSTICE

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 551 OF 1999.

Cuttack, this the 14th day of November, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER(JUDL.).

1. Sashi Gadi, w/o. Late Basu Gadi, Aged about 45 years, Village Thengarh, PO:Barithengarh, PS:Badachana, Dist:Jajpur.
2. Ranjan Gadi, Son of late Basu Gadi, Aged about 23 years, Village:Thengarh, PO:Barithengarh, PS:Badachana, Dist.Jajpur.

: Applicants.

By legal practitioner: M/s. S. N. Mishra, N. R. ROutray, Advocates.

- Versus -

1. Union of India represented by the General Manager, South Eastern Railway, At: Garden Reach, PO: Calcutta-23, West Bengal.
2. The Divisional Railway Manager, South Eastern Railway, Khurda Road, Khurda.
3. The Senior Divisional Personnel Officer, Khurda Road Division, South Eastern Railway, Khurda Road, PO: Jatni, Khurda.

: Respondents.

By legal practitioner: M/s. S. L. Patnaik, Md. Arif, S. Nayak, Advocates

ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the two applicants who are the widow and son of Basu Gadi, who was a gangman under the Junior Engineer (P.Way) Dhenkanal and who died while in service on 17-11-1995, have prayed for a direction to the Respondents to give compassionate appointment to the Applicant No. 2.

2. Respondents have filed counter and applicants have also filed rejoinder and a further Memo on 8.11.2000.

3. For the purpose of considering this Original Application, it is not necessary to refer to all the averments made in the petition because there is no much area of controversy in this case.

4. We have heard Mr. N. R. Routray, learned counsel for the applicant and Ms. S. L. Patnaik, learned Additional Standing Counsel for the Respondents and have also perused the records.

5. The admitted position is that after the death of the father of applicant No. 2 and husband of applicant No. 1 on 17.11.1995, the widow, applicant No. 1 applied on 14.9.96 for giving compassionate appointment to her son applicant No. 2. The case of the applicant No. 2 was considered and he was screened on 26.2.99 but he was not given appointment because the applicant No. 2 did not have the minimum education qualification of class VIII pass. Applicant No. 1 was informed in order dated 27.8.99 at Annexure-7 that as the son does not have the qualification of class VIII pass, he can not be

S. J. M.

appointed. It is submitted by the learned counsel for the applicant that thereafter on 1.8.2000 a circular has been issued by the Railway Board in which the minimum education qualification upto class VIII has been dispensed with in case of compassionate appointment which has arisen earlier to the issue of the circular dated 8.7.1999. It is submitted by learned counsel for the applicant and this has also been mentioned in his Memo that accordingly the applicant was called and he has successfully appeared in the screening test on 31.10.2000 and he has become successful in that screening. It is submitted by Mr. Routray, learned counsel for the applicant that the applicant has still to appear in the medical test and only after clearing the medical test he will be given the order of appointment but the Respondents have not followed the medical test even though one month has passed. In view of this, learned counsel for the applicant prays that a direction be issued to the Respondents to hold the medical examination of the applicant within a specified period. It is submitted by Madam Patnaik, learned Additional Standing Counsel that she has been advised by the Respondents that the case of applicant No. 2 for compassionate appointment is under active consideration and the matter will take some more time. Hon'ble Supreme Court in several decisions have laid down that matters of compassionate appointment where the family is in indigent conditions, the same should be dealt promptly with utmost importance. In view of this, we dispose of the Original Application with a direction to the Respondents that in case the applicant had actually appear-

in the screening test for compassionate appointment on 31.10.2000 and in case he has been successful in that test, as submitted by learned counsel for the applicant, then the Respondents should hold the medical test of the applicant within a period of 30 days from the date of receipt of a copy of this order and act accordingly after the report of the medical test is received.

6. In the result, the OA is disposed of in terms of the observations and directions made above. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somanath (SOMNATH SOM)
VICE-CHAIRMAN 2000

KNM/CM.