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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 107 OF 2001
Cuttack, this the 30th day of July, 2002

P. Jagannath. Applicant.

- Versus -

Union of India & Ors. 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

Manoranjan Mohanty
(MANORANJAN MOHANTY)

Member (Judicial)

30/07/2002

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 107 OF 2001
Cuttack, this the 30th day of July, 2002.

C O R A M:

THE HONOURABLE MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL).

...

P. Jagannath,
Aged about 26 years,
Son of late Trinath Das,
At- Radhakrushna Sahi,
P.O. Lanjipalli,
Berhampur, Dist. Ganjam. Applicant.

By legal practitioner: M/s. G.R. Dora, J.K. Lenka,
Advocate.

- Versus -

1. Union of India through the General Manager,
South Eastern Railway, Garden Reach, Calcutta-43.
2. Divisional Railway Manager (P),
South Eastern Railway, Khurda Road,
PO: Jatni, Dist. Khurda.

.... Respondents.

By legal practitioner: M/s. D.N. Mishra, S.K. Panda,
S. Swain,
Standing Counsel (Rly.):

O R D E R

MR. MANORANJAN MOHANTY, MEMBER (JUDICIAL):

Applicant, P. Jagannath, in this Original Application under Sec. 19 of the Administrative Tribunals Act, 1985 has claimed to be the adopted son of an Ex-Railway employee and prayed for a direction to the Respondents to give him an employment on compassionate ground; by quashing the order

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(of rejection of his prayer for a compassionate appointment)
dated 24-3-1996, at Annexure -A/1.

2. Respondents have filed their counter opposing the assertions made by the Applicant in his Original Application.

3. Having heard Mr. G. A. R. Dora, the Learned Counsel for the Applicant and Mr. D. N. Mishra, Learned Standing Counsel for the Railways and on perusal of the pleadings of the parties, it is seen that the authorities/Respondents did not accept the Applicant to be the son/adopted son and, as such, they rejected his prayer for providing him a compassionate appointment.

4. After the said rejection of his prayer (for providing appointment on compassionate ground), the widow of the EX-Railway employee Smt. P. Papamma, had filed a Title Suit (No. 167/1998) before the Learned Civil Judge (Junior Division) Berhampur (Ganjam) with a prayer to declare the Applicant to be their adopted son. It is seen, further that the Railways/Authorities /Respondents were not made Defendant(s) in that Title Suit (to get opportunities to have their say); when the same was filed only for the purpose of obtaining a decree to get an appointment on compassionate ground under the Railways. Therefore, the

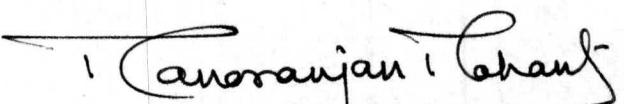
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decree in question is not binding on the Railways.

5. However, after the decree was passed under Annexure-A/2 on 18.9.1999 the widow of Ex-Railway employee applied to the Authorities/Respondents for providing compassionate appointment to her (adopted) son, the present Applicant. But the same was rejected on the ground that the ex-railway employee ^{expired} at the age of 57½ years (i.e. on the verge of his retirement on normal superannuation) and, as such, the request for employment assistance on compassionate ground was rejected under Annexure-R/9 dated 12-11-2001 which appears to be a just ground.

6. The Applicant had also not placed any material to show as to how the family is in indigent condition; which is essential to give due consideration for providing appointment on compassionate ground.

7. In view of the above two grounds, I find no merit in this Original Application, which is accordingly dismissed. No costs.


Manoranjan Mohanty

(MANORANJAN MOHANTY)
MEMBER (JUDICIAL)

30/07/2002

KNM/CM.