

NOTES OF THE REGISTRY

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Order dated 22.04.2002

Heard Shri N.R.Routray, the learned Counsel for the Applicant and Mr. R.C.Rath, learned Counsel for the Respondents/Railways.

(2) The Applicant, in this case has prayed to quash the order of the Respondents, ^{by Shri} ~~they~~ rejected her prayer for providing a compassionate appointment to her son and for a direction to Respondents to appoint her son (Prasanna Kumar Dehury) in a Group D post on compassionate grounds.

(3) The case of the Applicant, as stated in the Original Application is that her husband, while working as Khalasi under the Railways, died prematurely. The representation of the Applicant (seeking a compassionate appointment for her son) has been rejected on the ground that he did not possess the minimum educational qualification (of 8th Class pass) for being appointed in a Group D post.

(4) It is submitted by Shri Routray that the Railway Board vide its letter dated 01.08.2000 (in supersession of earlier letters/circulars dated 04.03.1999 and 29.07.1999) as circulated to all the Zonal Offices/Production Units of the Railways, has clarified that the cases, of such of the Applicants, which were under consideration for compassionate appointment (in Group D posts) before the issuance of Board's letter dated 04.03.1999 should be exempted from possessing the minimum qualification of 8th Class and, therefore, since the

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Applicant's case (for compassionate appointment for her son) was under scrutiny/process since before 04.03.1999, his case should now be taken into consideration, notwithstanding lack of minimum educational qualification.

(5) Mr. Rath, learned Counsel appearing for the Railways, states that since the present case was turned down prior to issuance of Board's letter dated 01.08.2000, no benefit can be extended.

(6) If the version of the learned Counsel for the Railways is accepted, then one has to construe a different meaning to the language caught in Railway Board's clarification dated 01.08.2000. It is not the case of the Railways that such of the cases which were pending consideration as on 04.03.1999/^{01.08.2000} should only derive the benefit of exemption of minimum educational qualification. It is the spirit of the language and intention of the Railway Board that all such cases which arose for consideration before 04.03.1999 should be extended with the benefit of exemption of acquiring the minimum educational qualification of 8th Class.

(7) Since the case of the Applicant for obtaining a compassionate appointment in Group D post was a pre-04.03.1999 one, it is squarely covered under the benefit of exemption of minimum educational qualification (of 8th Class) as provided under Railway Board's letter dated 01.08.2000.

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(8) In the aforesaid premises, the Applicant's case, as made out in the Original Application, is allowed. Annexure-6 dated 16.05.2000,, accordingly quashed.

(9) As a consequence, despite the fact that the Applicant's son (Prasanna Kumar Dehury) does not have the minimum educational qualification (of 8th Class pass) he should be provided with a Group D post on compassionate ground; as the grievance relates to pre-04.03.1999.

(10) Respondents are, therefore, directed to provide a Group D post to Applicant's son on compassionate ground within a period of three months hence.

The Original Application is allowed as above. No costs.

Jahangir
22/04/2002
MEMBER (JUDICIAL)

Later
22.04.2002

Mr. Rautray, Advocate for the Applicant, undertakes to file required postages (for transmission of copies of the above order to the Respondents) by 26.04.2002.

Free copies of this order be given to Advocate for the Applicant (Mr. N.R.Rautray) and to the Counsel for the Respondents (Mr.R.C.Rath)

Jahangir
22/04/2002
MEMBER (JUDICIAL)

Postal requisites filed.
The copy of order dt.22/4/02
issued to ~~the~~ all the
respects. by Regd. with
A.D. Posts. The same
copy of order issued
to the counsel for
both side.

A. Jain
S.O.

BY
29/4/02