

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Counter not


Order no. 10, dt. 26.3.02

filed.

Pabra
25/7

Bench

Call this matter

tomorrow (27.3.02) for
admission and final disposal.

Member (S)

Counter not filed

Bench

Pabra
5/9Order dated 27.3.2002

Heard Shri S.N.Sharma, the learned
counsel for the Applicant and Shri D.N.Mishra,
the learned Standing Counsel for the Respondents.

Applicant's father Sri Narayan Sethi,
while working as Khalasi Helper under Sr.S.E.
(Tele/LL), S.E.Railways, Khurda Road, was
'declared medically invalid for further service,
w.e.f. 7.9.1998 in all categories of the Indian
Railways', as has been disclosed by the

Respondents in Para-2 of their counter, filed
in this case. The case of his son (Applicant)
for compassionate appointment/employment was
not considered by the Respondents despite the
following decision of the Government of India,
in the Ministry of Railways (Railway Board)
vide Circular/letter dated 18.1.2000, the
relevant portion of which is extracted below:

"It has now been decided that in case
where an employee is totally incapacitated
and is not in a position to continue in any
post because of his medical condition, he may
be allowed to opt for retirement. In such a
case, request for appointment on compassionate
ground to one eligible ward may be considered".

It is the case of the applicant that

Counter not

filed.

Pabra
9/10/01

Bench

Counter filed. Copy
of counter of served.

Bench

h
23/11/04

Counter not

served. For further

order.
Pabra
17/11

Bench

Rejoinder not

filed.

Pabra
19/12

Bench

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Record received on 27.2.02

For admission

~~Patel~~
27/2

Bench

For admission

~~Patel~~
8/3

Bench

For admission

~~Patel~~
22/2

Bench

Free copy of
the order dt. 27.3.02
given to the
both counsel.~~Patel~~
28/3A. 28/3
S.O

notwithstanding the aforesaid decision of the Government, his case did not receive any consideration by the authorities and that is why he has approached this Tribunal for redressal of his grievances.

Heard the learned counsel on either side and perused the records. After considering the submissions made by the learned counsel for the parties, I am of the considered view that when the case of the applicant is fully covered under Circular/Letter dated 18.1.2000 of the Railway Board (relevant portion of which is extracted above) the case of the applicant for providing him a compassionate appointment/employment ought to have been received due consideration by the departmental authorities; especially when applicant's father was not medically decategorised.

In this view of the matter, I hereby direct the Respondents to give due consideration to the case of the applicant for a compassionate appointment/employment, notwithstanding the fact that his father faced premature retirement at the age of 57 years, 5 months and six days and that he had rendered service for 34 years and two months only.

by the Respondents

This exercise shall be completed within a period of three months hence.

The O.A., as per observation and direction made above, is allowed. No costs.

27/03/2002
MEMBER (JUDICIAL)