

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>Counter not filled.</p> <p><u>Patra</u> 25/3/02</p>	<p>Order no. 10, dt. 26.3.02</p> <p>Call this matter tomorrow (27.3.02) for admission and final disposal.</p> <p><u>Joe.</u> Member (5)</p>
<p>Counter not filled.</p> <p><u>Patra</u> 25/3/02</p>	<p>Order dated 27.3.2002</p> <p>Heard Shri S.N.Sharma, the learned counsel for the Applicant and Shri D.N.Mishra, the learned Standing Counsel for the Respondents.</p>
<p>Counter filed. Copy of counter of Govt.</p> <p><u>Patra</u> 9/10/01</p>	<p>Applicant's father Sri Narayan Sethi, while working as Khalasi Helper under Sr.S.E. (Tele/LL), S.E.Railways, Khurda Road, was <u>declared medically invalid for further service,</u> <u>w.e.f. 7.9.1998 in all categories of the Indian</u> <u>Railways</u>, as has been disclosed by the</p>
<p>Some</p> <p><u>Patra</u> 23/11/01</p>	<p>Respondents in Para-2 of their counter filed in this case. The case of his son (Applicant) for compassionate appointment/employment was</p>
<p>Counter filed. For further order.</p> <p><u>Patra</u> 17/1</p>	<p>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</p>
<p>Rejoinder not filled.</p> <p><u>Patra</u> 19/12</p>	<p>relevant portion of which is extracted below:</p>
	<p>"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".</p>
	<p>It is the case of the applicant that</p>

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

Record recd on 27.2.02

For admission

Febra 27/2 Bench

for admission

Febra 27/2 Bench

For admission

Febra 27/2 Bench

Free copy of  
the order dt. 27.3.02  
given to the  
both counsel.

Febra 28/3

R. 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 declassified.

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.

<sup>by the Respondents</sup>  
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.

Y. S. 27/03/2002  
MEMBER (JUDICIAL)