

3

OA 468/03

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Counter not filed.

Order dated : 2.2.05

Applicant's father died prematurely while still in services of the Railways. In the said premises, the Applicant prayed for a compassionate employment from the Railways; in order to overcome the distress/indigent condition of the family. It appears that because the terminal benefits granted to the family of the deceased Railway servant were computed to find out the distress condition of the family, the prayer for compassionate employment was rejected by holding the family to be not indigent.

Heard Mr. S.K.Nayak, Ld. Counsel appearing for the Applicant, Sashikanta Upadhyaya and Mr. C.R.Mishra, Ld. Counsel appearing for the Railways and perused the materials placed on record. In the income certificate granted by local Tahasildar (Ann.5), the agriculture income of the family has been shown to Rs. 03000/- only, the statement pertaining to other source of income includes the terminal benefits granted to the family; which was not available to be computed for determination of the indigent condition of the family. Infact the Apex Court of India in the case of Balbir Kaur Vs. Steel Authority of India Ltd. reported in AIR 2000 SUPREME COURT 1596 postulated that the terminal benefits are not to be computed for determining the indigent condition of the family. Therefore, the sole objection of the Railways is hereby quashed. As a consequence, the

Order dt 07.09.04

Parties are absent on call. Adjourn to 05.10.04 for filing of Counter.

7/9/04
REGISTRAR

Counter not filed.

Order dt 5.10.04

Applicant is absent on call. At the request of Ld. A.S.C. time is granted till 15.10.04 to file Counter.

7/10/04
REGISTRAR

Counter not

O.A. 468/03

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order dt. 15.10.04

Ld. Counsel for the applicant is present. At the request of Ld. ABC the matter is adjourned to 4.11.04 for filing of counter.

Don
Loren
REGISTRAR

counter
~~Respondent~~ not

filed.

L
2/11

Regn.

Order dt. 4.11.04

The learned counsel for respondents prays for time to file counter. Prayer allowed. Time granted till 19.11.04 for counter.

Don
Loren
REGISTRAR

counter not

filed.

to
2/11

Regn.

Railways/Respondents are hereby called upon to reconsider the case of the Applicant to provide him a compassionate employment, which they shall do within a period of 120 days from the date of receipt of a copy of this order.

This O.A. is accordingly allowed; but, however, there shall be no order as to costs.

Send copies of this order to Respondents and free copies of this order be handed over to the Ld. Counsel appearing for both the parties.

Johant
02/02/05
MEMBER(J)