



FORM No. - 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Original

Application No. 1316 of 2003

Applicant(s) Manoranjan Mohanta Respondent(s) Union of India & ors.
Advocate for Applicant(s) M.P. A. S. Nandy Advocate for Respondent(s)
T. Sinha

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>9.P.O. for Re. 50/- for For Registration pt. to be taken on 31.12.03 as per Court Memo.</p> <p><u>30-12-03</u></p> <p><u>Dy. Regt. S.O. (J)</u> <u>30/12/03</u> <u>Dy. Regt. S.O. (J)</u></p> <p><u>30-12-03</u></p>	<p>REGISTER</p> <p><u>Sudhir</u> Dy. Registrar 30.12.03.</p> <p><u>1. ORDER DATED 31.12.2003.</u></p> <p>Applicant's father (late Sudhir Mahanta) died prematurely on 10.4.1994 while in service under the Respondents in Kharagpur Division. In the said premises, Applicant's mother (Smt. Gurubari Mohanta) submitted a representation on 16.8.94 to provide an employment to the Applicant. She also submitted a representation on 5.2.02 8.3.03 and on 8.5.03 requesting the</p>

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Respondents to provide an employment to the Applicant in order to remove the distress condition of the family. It appears that the grievance raised by the mother of the Applicant was turned down on 5.9.03 on the ground of limitation/ because the request for providing compassionate appointment was furnished after a lapse of five years from the date of death of the Govt. servant. As per various circulars of the Railways, request for providing compassionate appointment (in the case of premature death of a Railway servant) are available to be given consideration even upto 20 years from the date of death of the Railway Servant. Therefore, instead of rejecting the claim of the Applicant, the matter (relating to provide an appointment on compassionate ground to the applicant) ought to have been sent to the proper higher authorities/General Manager of the Division to give due consideration to the prayer of the applicant to provide him an employment on compassionate ground. It appears by his representation at 25.9.03, the Applicant has made a fresh prayer to provide him compassionate appointment.

In the aforesaid premises, especially on the face of the circulars of the Railways vesting powers on the General Manager of the Railway Zone to condone the delay upto 20 years in providing compassionate appointment, this Original Application is disposed of at the admission stage, with direction

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to the Respondents to consider the grievance of the Applicant (to provide him an employment on compassionate ground) on merit and to pass necessary orders (under intimation to the Applicant) within a period of 90 days from the date of receipt of a copy of this order.

Liberty is hereby granted to the Applicant

*copy of order dt 31/12/03
ALW 03 copy
issued to all the
despots. by post. i.e. by 9.1.2004.*

to represent his case (by providing all details, for substantiating his claim) within a period of seven days

*The same copy of
order issued
to the Counsel
for both side.*

*Dhruv
S. O. 6/1/04*

With the aforesaid observations and directions, this Original Application is disposed of at the admission stage after hearing learned counsel for the Applicant and Mr. R.C.RATH, learned Standing Counsel for the Railways; on whom a copy of this Original Application has already been served.

*Yobal
3/12/03*

Member (Judicial)

*18
6/1/04*