



FORM No. - 4
See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

ORDER SHEET

Application No. 235 of 2004
Applicant (s) Pankaj Pradhan Respondent (s) Union of India for
Advocate for Applicant (s) M/s. L. K. Mohanty Advocate for Respondent(s) J. K. Ray

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>I.P.O of Rs. 50/- tiled. Defects pointed out in scrutiny format may kindly be perused. For favour of Registration/ Consideration please. 18.4.04 Dr. Defect removed. For Registrar Registrar Please register. There is no urgency to list the matter before local bench. List the matter on 22-6-04. 11/6/04</p>	<p>REGISTER 11/6/04 Registrar <u>1. ORDER DATED 09.06.2004.</u> Banadev Pradhan, a T.P.M.-A of Railways was subjected to Medical Examination and having not been found suitable for further continuance in the Railways, he had to face superannuation for being invalidated. While facing premature retirement, he had three years service to go before facing the</p>

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Order ^{Pre-fac} ~~above~~

In view of memo received from Court we may put up the case before the Bench.

Sh
9/6/04

~~Rejection~~ put up before bench on 9-6-04.

Don
9/6/04

For Adombom & Dymen order - copy served.

Bench

h
9/6/04

normal date of superannuation. In the said premises, having faced premature retirement in the year 1998, he represented to the authorities/Railways for providing a compassionate appointment in favour of his son Pankaj Pradhan (present Applicant) in order to remove the distress condition of the family. ~~The~~ Said Bamadev Pradhan, who was sick, died prematurely on 13.1.99 leaving behind his family in distress conditions. By producing legal heir certificate, the present Applicant sought for compassionate appointment from the Railways; which was repeatedly turned down under Annexure-A/6 dated 16.1.01 and under Annexure-A/8 dated 20.8.2002. On perusal of these two documents, it goes to show that for no reasons given, the prayer for compassionate appointment was turned down by the Respondents. After the second rejection order under Annexure-A/8 dated 20.08.2002, the present Applicant preferred an appeal to the General Manager of South Eastern Railway and that of E.Co. Railways under Annexure-A/9 dated 25.08.2003. It appears, the representation to the General Manager under Annexure-A/9 dated 25.08.2003 of the Applicant is still pending.

In the said premises, having heard Mr. L. K. Mohanty, Learned Counsel for the Applicant and Mr. P. C. Panda, Learned Additional Standing Counsel for the Railways; on whom a

copy of this O.A. has already been served, this Original Application is disposed of by quashing the orders under Annexure-A/6 dated 16.01.2001 and under Annexure-A/8 dated 20.08.2002 on the ground that those two orders are bereft of any reason. Now that both the rejection orders having been quashed, the Respondent No.2 (General Manager) is hereby directed to reconsider the grievances of the Applicant (to provide an employment on compassionate ground) within a period of sixty days from the date of receipt of a copy of this order. It is, however, to be observed that premature retirement/death of the Railway employee, has definitely placed his family in a disadvantage position and, in all fairness of things, every attempt should have been made by the Railways to remove the distress/indigent conditions of the family by providing an employment to the Applicant.

Send copies of this order to the Respondents, alongwith copies of the O.A., and free copies of this order be given to learned counsel for both sides.

Free
09/06/04
MEMBER (JUDICIAL)
8

Free copies of
order dt. 9.6.04
forwarded to counsel
for both sides

Do
11/6/04
copies 2 m. dt. 9.6.04 with
copies 2 m. dt. sent to all
resps.

Jhr
20/6/04