

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Dt. 19.07.02

Ld. Counsel for the Applicant is present. Respondents are absent on call. No steps taken by them to file counter. Therefore, put up before the Bench for further orders.

REGISTRAR

Mr. Ayush Kr. Mishra
a Mr. Alok Kr. Panda
have intended appearance
in behalf of 2-2-125
counter not filed

Bench

Or. dt. 21.8.02

Counter not filed

Bench

Or. dt. 21.8.02

Counter not filed

For further orders

Bench

Or. dt. 22.11.02

Counter not filed

For further orders

Bench

Order dated 11.12.02

As prayed for by Shri P.K. Mishra, time till 31.12.02 is granted as last chance for filing counter.

Vice-Chairman

Order dated 7.1.2003

Heard Shri A. Das, Advocate for the Applicant and Shri P.K. Mishra, Addl. Standing Counsel for the Respondents/Railways.

Applicant, having been medically decategorised, had to face premature retirement and by that time he had more than three years 11 months to continue in service. He and his son (N. Chandra-Mauli) applied for a compassionate appointment and in response to representation dated 13.11.1996, the Divisional Railway Manager(P), S.E. Railway, Khurda Road, turned down the prayer with the following words, as given out under Annexure-A/7 dated 13/20.05.1999.

" The present case has been examined in detail and put up to competent authority for decision.

It has been decided that there does not exist any reasonable ground to offer employment assistance in this case. Hence, the request for employment assistance is regretted".

The aforesaid statement of the Respondents, as given out under Annexure-A/7 dated 13/20.05.1999 goes to show that the rejection order being a nonspeaking one is not sustainable. A rejection order issued from the Administrative side, being bereft of any reasoning, is nothing but a gross violation of the principles of natural justice.

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counter not
filed.
for further orders.

6/1/03

Rmsh

Despite several adjournments given to the Respondents, no counter has been filed in this case; wherein the Respondents could have elaborated the reasons for passing the order of rejection under Annexure-A/7 dated 13/20.05.1999. Therefore, the impugned order under Annexure-A/7 dated 13/20.05.1999 of the D.R.M.(P) of S.E.Railway, Khurda Road is hereby quashed/set aside.

While admitting this case and directing issuance of notices to Respondents on 19.04.2002, the following interim orders were passed.

"...After considering the submissions made by the learned counsel for both sides, it is ordered that notwithstanding the pendency of this application and the order passed under Annexure-A/7 dated 13/20.05.1999, the Respondents should consider the case of the son of the applicant for providing him a compassionate appointment in order to remove the distress condition of the family of the applicant. Pendency of this case shall ~~not~~ also not stand as a bar before the Respondents to consider the representation of the applicant as made under Annexure-A/8 dated 7.9.1999 and Annexure-A/11 dated 30.12.2001".

Despite the aforesaid interim direction the Respondents have not promptly reacted.

As a consequence, the Respondents are, hereby directed to consider the grievances of (N.Chandra Mauli) the Applicant/in the matter of providing an employment on compassionate ground within a period of three months from the date of receipt of copies of this order, under intimation to the Registry of this Tribunal.

With the aforesaid observations and direction, this O.A. stands disposed of leaving the parties to bear their respective costs.

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Dr. 7.1.93

Copies of order
dt. 7.1.03 communicated
to all reports and
said copies of order
handed over to counsel
for both sides.

15/1/03

Dr.
80/15/1/03

Send copies of this order to
Respondents and free copies of this order be
also made available to the counsels for both
sides.

07.01.2003
MEMBER (JUDICIAL)