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CA. 50/2002

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

For Admission - copy of
O.A. not served.

DS
1.2.02

Bench

For admission.
Bench
12/2

Free copy of
the order dt. 13.2.02
given to the both
counsel.

18/2

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Order No.2, dated 13.2.2002

Shri Anama Dalai, working as Gangman in the S.E.Railway, expired on 6.12.1993 after serving for three years. His son's (applicant's) claim for compassionate appointment has been rejected by the respondents by passing orders on 24.11.2001 (Annexure-2). The same provides that the applicant's claim was not approved by the competent authority on the ground that late Anama Dalai had rendered only about three years of service. Aggrieved by the aforesaid order, the applicant has filed the present O.A.

2. Shri D.N.Mishra, learned Standing Counsel (Railways) accepts notice on this O.A. in the Court. We have heard him as

well as Shri N.C. Mishra, the learned counsel for the applicant.

3. The reason assigned by the respondent authority in rejecting the applicant's claim is under challenge. According to the learned counsel for the applicant, there is no rule to the effect that compassionate appointment cannot be given to the heirs of those Railway employees who have rendered only about three years of service. On consideration, we find that the order passed by the respondent authority should have been a speaking order giving reasons and citing rules on the basis of which the claim in question was to be rejected. That has not been done and, to this extent, the impugned order in question can be said to be a non-speaking order. With the consent of the learned counsel, on ~~our~~^{either} side, the present O.A. is, in the circumstances, proposed to be disposed of at this very stage with a direction to the respondents to pass a speaking and ^{re}asoned order in place of the impugned order dated 24.11.2001, which stands quashed. The respondents are further directed to pass orders as above within a period of two months from the date of receipt of copy of this order. Needless to say that the present O.A. will be considered as a representation

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filed on behalf of the applicant before the
orders are passed by the respondents. We direct accordingly

(S.A.T. RIZVI)

MEMBER (A)

(M.R. MOHANTY)

MEMBER (J)