

OA 1087/03

Mr. R. C. Rath (Asst)

OA 674/03

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

On 14.12.03

For Admission with
Interim order along-
with OA 1087/03.

de
19/12

Bench

ORDER DATED 16-10-2003.

Laxman Mohapatra
vs -
Wor. a on

O.A.No.1087/2002
O.A.No.674/2003

Original Application No.1087 of 2002 has been filed by Shri Laxman Mohapatra, son of late Sapani Mohapatra and C.A.No.674 of 2003 has been filed by Smt. Rama Kumari Mohapatra, widow of said late Sapani Mohapatra challenging the inaction of the Respondents/railway authorities in not considering their grievances for providing employment on compassionate ground and seeking direction to the respondents to provide compassionate employment. Late Sapani died prematurely while still in employment of the Railways.

2. We have heard Mr. Anup Kumar Bose, Learned Counsel appearing for the Applicant in OA No.1087/2002 and Mr. Achintya Das, Learned Counsel appearing for the Applicant in OA No.674/2003. We have also heard Mr. R. C. Rath, learned standing Counsel appearing for the railways in both the cases.

3. After hearing the respective parties and perusing the materials placed on record, we are of the view that it is not for this Tribunal to decide to whom compassionate appointment should be offered. It is for the authorities/respondents to decide as to whether in a particular case compassionate appointment should be given and, if it is so, to whom.

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Contd...order dt.16.10.2003.

4. Therefore, without expressing any opinion on the merits of the matter in issue, we hereby call upon the Respondents (General Manager, E.C. Railway) to decide the matter (with regard to granting employment on compassionate ground) as expeditiously as possible; preferably within a period of 60 (sixty) days from the date of receipt of a copy of this order.

5. With the above observations and directions both these Original Applications are hereby disposed of; by leaving the parties to bear their own costs.

Send copies of this order to the Respondents of both the cases along with copies of the Original Application No. 674 of 2003 and free copies of this order be made available to learned counsel appearing for both parties.

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Sd/ B. N. SOM.
VICE-CHAIRMAN

Sd/ M. R. MCHANTY
MEMBER (JUDL)