

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

29.9.03

Ld.counsel for the applicant present. Respondents are absent on call and no steps taken by them to file any counter. Therefore, put up before the Bench for further orders.

REGISTRAR
29/9/03

Counter not filed.

For orders.

14/10

Bench

Or. 28.10.03

Counter has not been filed.

10/11

Bench

Or. 28.11.03

Respondent has not been filed.

For Admission & Hearing.

28/11

Bench

Or. 28.11.03

Respondent has not been filed; copy served for admission / hearing.

28/12

Bench

Order dated 7.1.2004

Heard Shri S.K. Swain, the learned counsel for the applicant and Shri T.Rath, learned Addl. Standing Counsel appearing on behalf of the Respondents-Railways, and perused the materials placed on record.

Applicant's father (Shri Pahali Charan Nath) while working as Khalasi Helper met with an accident in the year 1995; for which he continued to be hospitalized now and then till 2000; when he was given premature retirement for having been found medically unfit for any category of railway service. In order to overcome the immediate distressed condition, faced by the family, the father of the applicant, represented to the Railway authorities/Respondents to provide him an employment on rehabilitation scheme in favour of his son. The said prayer having been turned down by the D.R.M. of the Khurda Road Division of Railways (during November, 2001) further representations were filed. While the matter stood thus, in the meantime on 28.5.2003, the applicant's father (Pahali Nath) breathed his last; while still under medical treatment of his ailment arising out of the accident faced during 1995. In the aforesaid premises, the applicant has approached this Tribunal under Section 19 of the A.T.Act, 1985 for redressal of his grievances. It reveals from the record that the family of the applicant remained under miserable plight right from 1995, when the railway servant met with

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the accident and thereby he had to undergo perpetual medical treatment till his death. The Income Certificate of the year 2000 produced before the Railway authorities and the recent one obtained during 2002 go to show that the family had to spare everything on their own for the treatment of the railway servant, who died during May, 2003. The sole ground taken by the Respondents/D.R.M., Khurda Road in rejecting the prayer for compassionate appointment is not sustainable for the reason that there is no prohibition to grant compassionate appointment to one of the dependant family members where the sole bread-winner(the Govt. Servant) has passed away and/or faced premature retirement 2/3 years earlier than the normal date of superannuation. An incisive analysis of the materials placed on record and upon hearing the rival contentions of the parties, ^{it is held that} it is a glaring case, where the family needs immediate succour. The Department/Respondents apparently do not know that the financial condition of the family has turned from bad to worse and that one of the brothers of the applicant is handicapped by both legs as is evidenced from Annexure-10 to rejoinder filed by the Applicant. That apart, following to premature death of the father of the applicant in May, 2003, the family must be in receipt of family pension at a reduced rate.

For the reasons discussed above, the order of the D.R.M. dated 12/24.11.2001(Annexure-6) is hereby quashed. Liberty is hereby granted to the applicant to place all the materials (in shape of a consolidated representation) before the Respondents by the end of

January, 2004, on receipt of which the Respondents should expeditiously give due consideration to the prayer of the applicant to provide him an employment on compassionate ground by the end of March, 2004.

With the above observation and direction, this O.A. is disposed of. No costs.

Send copies of this order to Respondents and free copies of the order be handed over to the learned counsel of both the sides.

Y. S. Bhat
07/01/04
MEMBER (JUDICIAL)