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O.A. No. 454 of 2010

Bhaskar Chandra Patra.....Applicant  
Vs  
Union of India & Ors.....Respondents

Order dated: 17.11.2011

CORAM:

Hon'ble Shri C.R. Mohapatra, Member (Admn.)  
&  
Hon'ble Shri A. K. Patnaik, Member(Judl.)

Heard Mr. S. Mohanty, Ld. Counsel for the applicant and Mr. T.Rath, Ld. Counsel appearing for the Respondent-Railways.

2. The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals' Act, 1985 for the second time seeking following reliefs:

- “(a) To pass appropriate orders directing the Respondents to appoint to the applicant on compassionate ground under the Rehabilitation Assistance Scheme commensurating with his educational qualification considering the facts and circumstances of this case.
- (b) To pass such further order.....”

3. The case of the applicant in nutshell is that after the death of his father on 22.05.1975, after attending majority in the year 1986 he applied for compassionate appointment. His case having been rejected by the Railway-authorities, the applicant approached this Tribunal in O.A.

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No. 1054/2002. Vide order dated 31.08.2005 this Tribunal disposed of that O.A. with the following observations:

"this Original Application is hereby disposed of with grant of liberty to the applicant to place a consolidated representation (placing all materials in support of his grievance for providing employment assistance) before the authorities within a period of 15 days hence and, the Respondents/Railways are hereby directed to deal with the grievances of the applicant as per the Rules and by keeping in view the observations made above and redress the same within a period of 120 days of receipt of such representation".

4. Consequent to the above order, Respondents considered the representation submitted by the applicant and rejected the same vide Annexure-8 dated 30.01.2006 on the following grounds:

"...I have carefully gone through and observed that your father was expired on 22.05.1975, while he was in Railway service and at that material time no request was preferred either by your mother or any other dependant of your family seeking employment assistance on compassionate ground.

In fact, the provision of employment assistance on compassionate ground was introduced in the Railway w.e.f. 30.04.79 in terms of Estt. Srl. No. - 163/79. Further, clarification was given by the Railway Board circulated under Estt. Srl. No.- 102/81 clarifying that the compassionate appointment cases arising

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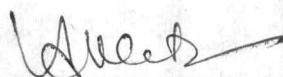
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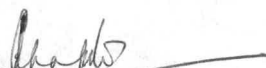
out of the death of Railway employee prior to 30.04.79 are not to be re-opened, but where the case were being processed on 30.04.79 and had not been finalized, they should however be considered.

On the light of the above fact, your claim for employment assistance on compassionate ground does not come under purview of consideration, since your father was expired before the introduction of rules for such matter."

5. Heard Ld. Counsel for the parties and perused the materials on record. The order of rejection passed vide Annexure-8 to the O.A. does not amount to the implementation of the order of this Tribunal passed in O.A.No. 1054/02 in its letter and true spirit. Hence, we remand the case back to Respondent Nos. 2 and 5 to reconsider the matter in the light of the aforementioned order within three months.

6. With the above observation and direction, the O.A. stands disposed of.

  
MEMBER (Judl.)

  
MEMBER (Admin.)

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