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O.A. No. 317 of 2011

Kasinath & another.....Applicants  
Vs  
Union of India & Ors.....Respondents

Order dated: 20.05.2011

CORAM:

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

Heard Mr. N.R.Routray, Ld. Counsel for the applicants and Mr. S.K.Ojha, Ld. Standing Counsel appearing for the Respondent-Railways, who has already received a copy of this O.A.

2. M.A. 400/11 filed by the father and son to prosecute this case jointly is allowed. M.A. is, accordingly, disposed of.

3. This O.A. has been filed seeking compassionate appointment in favour of applicant No.2 pursuant to the retirement of his father (applicant No.1) being declared medically unfit w.e.f. 22.12.2006.

4. It is seen from the O.A. that while in paragraph 4.10 it is stated that the applicant is still alive, in paragraph 4.14 it is written that the Railway-employee has died in harness. Mr. Routray, Ld. Counsel for the applicants

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submitted that somehow this error has crept in but actually the applicant is still alive.

5. Mr. Routray submits that after filing of O.A. 324/10 by the applicant and by virtue of the order of this Tribunal dated 29.06.2010 in that O.A., the Railway-authorities have issued the PPO but till date no payment has been released. Simultaneously, the prayer for compassionate appointment to the son has also still not been acceded to. Hence, he has represented to Respondent No.3 on 17.01.2011 (Annexure-A/7). Since this representation has not been disposed of so far, Sri Routray submits that a direction may be issued to Respondent No.3 to consider the same and also the case of the applicant No.2 for compassionate appointment as per rules of the Railways.

6. Hence, as agreed to by the Ld. Counsel for the parties and without going into the merit of the case, we dispose of this O.A. with the direction to Respondent No.3 to consider the case of the applicant for compassionate appointment as per rules. The applicant may also produce necessary documents required for being considered by the Railway-authorities for according sanction for compassionate appointment. Necessary documents may be

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filed by the applicant No.2 within a period of 15 days to Respondent No.3 and, on receipt of the document, Respondent No.3 shall give consideration to the pending representation as at Annexure-A/7 and pass a reasoned order within a period of 3 months from the date of receipt of the documents.

7. Send copy of this order, along with copy of the O.A., to Respondent Nos. 3, 4 and 5 at the cost of the applicant. Ld. Counsel for the applicants undertakes to deposit the postal requisites for that purpose by tomorrow.

  
MEMBER (Judl.)

  
MEMBER (Admn.)

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