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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

Original Application No. 45 of 2004

Dated of order: July 28, 2005.

CORAM:

HON'BLE MR. J K KAUSHIK, JUDL. MEMBER

Hirdayendra Kumar Verma S/o Late Shri R.K. Verma, aged about 33 years R/o 10/23, M.P. Nagar, Lalgargh, Bikaner - 334004.

...Applicant

Mr. Y K Sharma: counsel for the applicant.

VERSUS



Union of India through

1. General Manager, North West Railway, Jaipur.
2. Divisional Railway Manager, North West Railway, Bikaner.

...Respondents.

Mr. Manoj Bhandari, counsel for the respondents.

.... Respondents

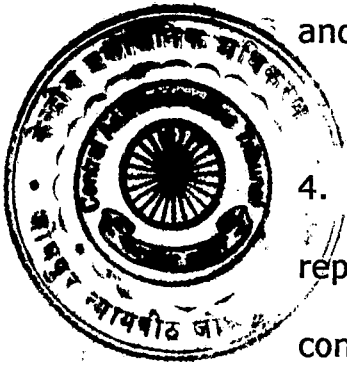
O R D E R (ORAL)

This is a unique case filed by Smt. Sarla Verma and Shri Hirdayendra Kumar Verma before this Bench of the Tribunal wherein a prayer has been made for seeking a mandate to the respondents to consider the case of the applicant No. 2 i.e. Hirdayendra Kumar Verma for appointment on compassionate ground. The name of the applicant No. 1, i.e. Smt. Sarla Verma, was directed to be deleted.

2. I have heard the learned counsel for both the parties and also carefully perused the records and pleadings of this case.

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3. The material facts necessary for resolving the controversy involved in the instant case are that applicant is the son of late Shri R.K. Verma. Late Shri R.K. Verma was employed on the post of Clerk and was faced with a departmental proceeding for major penalty by the Divisional Medical Officer, Bikaner. He was found guilty and imposed the penalty of compulsory retirement w.e.f. 12.02.1992 (sic 12.2.1982). It seems that applicant's father expired, subsequently. The facts further reveal that somewhere in the year 2003 an application was moved for considering grant of appointment in favour of the applicant on compassionate ground but the same has not been acceded to by the competent authority and hence this Original Application.



4. As regards the variances and facts, it has been averred in the reply that late Shri R.K. Verma was imposed the penalty of compulsory retirement from service and as per the policy of the Railway, regarding compassionate appointment, there is no provision to extend the benefit of compassionate appointment to the dependent family member(s) of a deceased government servant whose service has been terminated on account of penalty of dismissal, removal or compulsory retirement. He has submitted that the ground on which the compassionate appointment can be granted is death of the Government servant or on retirement due to medical invalidation. Hence, this Original Application is misconceived and deserves to be dismissed.

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5. Both the learned counsel for the parties have reiterated the facts and grounds raised in their respective pleadings. At the very out set, the learned counsel for the respondents has submitted that there has been an undue delay in filing of the Original Application in as much as the application has been filed somewhere in the year 2004 whereas the penalty of compulsory retirement was imposed in the year 1992 and by now 13 years have lapsed. The Original Application is highly belated as well as barred by limitation. However, he has submitted that there is no rule to consider such cases and the respondents have rightly not considered the claim of the applicant since a person who have been penalised as a result of major penalty of compulsory retirement from service cannot be blessed with a favour by grant of appointment on compassionate grounds.



6. I have considered the rival submissions put forth on behalf of both the parties and find that the version made on behalf of the respondents appeals to the reason and therefore deserves to be accepted. The learned counsel for the applicant has not been in a position to show any contrary rule or authority in favour of the applicant.

7. In the premises, the Original Application is devoid of any substance and the same stands dismissed, accordingly. However, there shall be no order as to costs.


(J.K. KAUSHIK)
Judicial Member

Kumawat

Part II and III destroyed
in my presence on 10/1/14
under the supervision of
action officer () as per
order dated 18/12/13

[Signature]
10/1/14
Action officer (Record)

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