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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

**Original Application No.31/2006
&
Misc. application No. 19/2006**

Date of decision: 12.09.2006

Hon'ble Mr. Kuldip Singh, Vice Chairman

Hanuman Ram son of Shri Uda Ram resident of Village Kashiram Ka Bas Post Allanbad, Disttt. Sirsa, Haryana.

Post: The father of the applicant late Shri Uda Ram was holding the post of Helper Khalasi S & T in Northern Railway (Now North Western Railway), Bikaner Division, Bikaner.

: applicant.

Rep. By Mr. Kuldeep Mathur: Counsel for the applicant.

VERSUS

1. The Union of India through the General Manager, North Western Railway, Jaipur (Rajasthan)
2. Assistant Personnel Officer, North Western Railway, Bikaner.
3. Divisional Railway Manager, North Western Railway, Bikaner.
4. Divisional Personnel Officer, North Western Railway, Bikaner.

: Respondents.

Rep. By Mr. Vinay Jain: Counsel for the respondents.

ORDER

Mr. Kuldip Singh, Vice Chairman.

The applicant has filed this O.A seeking compassionate appointment since the authorities have not considered his representation in its true spirit. The facts, as alleged by the applicant in brief are that his father retired from railway service due medical incapacitation/medical decategorization. At the time of retirement the applicant's father was holding the post of helper Khalasi in the respondent department but still the respondents have not provided appointment on compassionate grounds. The applicant



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has also submitted a representation but the respondents did not answer the same. Therefore it is prayed that respondents be directed to provide the appointment since his father retired from service due medical incapacitation.

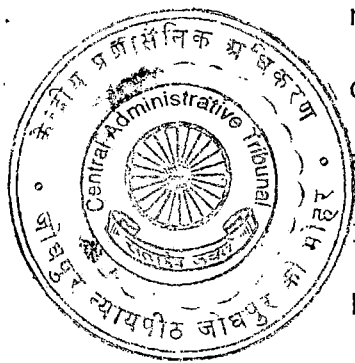
2. The respondents are contesting the O.A. The respondents in their reply pleaded that the applicant is not duly qualified even for seeking appointment in Group 'D' posts since the minimum educational qualification for Group D posts is 8th class pass. It is stated that since the applicant is not possessing the minimum qualification of 8th Standard pass, the O.A itself is not maintainable.



3. I have heard the learned counsel for the contesting parties and carefully perused the records in this case. The learned counsel for the respondents took me through Annex. R/1 dated 04.03.99 issued by the Railway Board to all the General Managers (P) of the Zonal Railways. In the said circular a reference has been made to earlier circular dated 04.12.98, by which the minimum educational qualification prescribed for Group 'D' posts is 8th Std. Passed. It has further stated in para 2 of Annex. R/1 that the question as to whether the provisions of the above letter are also to be applicable in the case of appointments made in Group 'D' compassionate grounds has been considered by the Board. Keeping in view the provisions contained in Board letter dated 25.03.86 it has been decided that for appointment of widows on compassionate grounds against posts in Group D that have been exclusively reserved for them, the education qualifications need not be insisted upon. **In all other cases of compassionate appointments in Group D the prescribed minimum educational qualification will apply.** (emphasis

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supplied) Besides, this it is also pleaded in the reply that at the time applying for appointment on compassionate grounds he declared himself as 8th passed and produced a transfer certificate dated 15.05.86 and on investigation it was found that the transfer certificate produced by the applicant was false and bogus. Thereafter the respondents took up the matter with the Headquarters for relaxation of educational qualification, but the Headquarters did not agree for any relaxation in educational qualification. In this case, first of all the applicant does not possess the minimum educational qualification and secondly he produced false transfer certificate with regard to his educational qualification and tried to misled the department. In my considered view there is no merit in this application and accordingly it is dismissed. Consequently M.A. No. 19/2006 for condoning the delay in filing the O.A is also dismissed. No costs.



Jsv.


(Kuldeep Singh)
Vice Chairman



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Rec'd by

Ric
29/9/06
for K. Mathew,
RHS.