

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, JODHPUR**

Original Application No. 106/2007  
with  
Misc. Application No. 76/2007

Date of order: 25.09.2007

Pratap S/o Shri Pancham Lal, aged about 28 years, resident of  
Village Dhakataluka Ujara, Post Modhopur, District Shajanpur. (By) .

...Applicant.

**VERSUS**

1. The Union of India, through the General Manager, North-West Railway, Jaipur (Raj.).
2. Senior Divisional Personnel Officer, North-West Railway, Jodhpur.
3. Deputy Chief Engineer (Construction)-1, North-West Railway, Jodhpur.

...Respondents.

Counsel For Applicant/s : Mr. Kuldeep Mathur  
Mr. D.S. Sodha  
Mr. K.D.S. Charan

Counsel For Respondent/s: Mr. Manoj Bhandari

**CORAM:**

HON'BLE MR. JUSTICE A.K. YOG, JUDICIAL MEMBER.  
HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER.

**ORDER (Oral)**  
**(Per Hon'ble Mr. Justice A.K. Yog, Judl.Member)**

We have heard Shri Kuldeep Mathur, Advocate representing  
applicant and Shri Manoj Bhandari, Advocate appearing on  
behalf of the respondents and perused the records.

(By)



2. Admittedly, Shri Pancham Lal (deceased employee of the Railway Establishment) died on 02.12.2002 leaving behind his widow Smt. Kaushalya Devi. Pratap, the applicant, before claiming to be an adopted son of deceased Pancham approached this Tribunal by filing this O.A. No. 106/2007 claiming compassionate appointment. According to the applicant, he approached the Department in 2005 by filing Application and Representations. In support of it, he has filed copies of such representations/applications, Will, and also affidavits of Smt. Kaushalya Devi (wife of late Shri Pancham Lal) and his own affidavit (both without date); photo-stat copies whereof are part of Annexure A/10 to the O.A. According to the applicant, his application has not been considered and disposed of and he has not been communicated with the decision of the Department as on date.



3. Learned counsel for the applicant has referred to the provisions before us contained in Master Circular No. 16 -'COMPENDIUM ON APPOINTMENT ON COMPASSIONATE GROUNDS'- providing for Policy for making compassionate appointment/s, 'time-limit' for making such appointments, priorities to be observed in making appointments on compassionate grounds, guide-lines/criterion for compassionate appointment/s in case of adopted sons/daughters, etc.

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4. Record shows that initially there was some dispute between the wife of the deceased and the applicant regarding receiving of post retiral benefits and some inter se compromise thereof.

5. Question of eligibility to seek 'compassionate appointment', including the question of limitation etc. will require an inquiry into factual aspect of the case, apart from perusal of original documents/records including service-book and service record of the deceased employee. Circular referred to above, leaves no doubt that time allowed (limitation) for making 'compassionate appointment' is not absolute or sacrosanct. Normal 'Period' can be relaxed by the concerned competent authority.



6. In view of the above, we deem it appropriate that the matter be considered by the concerned competent authority of the Department. <sup>As who</sup> It is in a better position to appreciate factual aspects of the case. It is, therefore, expedient <sup>and we request</sup> that such authority <sup>to us</sup> may pass appropriate order after considering the claim of the applicant in accordance with law as well as the relevant circulars of the Department within a period of two months from the date of receipt of a certified copy of this order. It is made clear that none of the averments made in the O.A. or in the reply of the Department shall be treated as un-controverted or proved. The authority deciding representation under this order shall consider the case <sup>by</sup>

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independently without being prejudiced by any observation made in this order and on the basis of material on record as well as in accordance with law. We permit the applicant, if so advised, to submit additional representation along with documents, if any, while presenting/submitting certified copy of this order, within a period of three weeks from today and the Authority in question shall decide Representation of the Applicant (for compassionate appointment) within two months of receipt of certified copy of this order.



7. Original Application No. 106/2007 stands allowed only to the extent directed above without entering into the merits of the case. No order as to costs.

R.R. Bhandari  
[ R.R. Bhandari ]  
Administrative Member

A.K. Yog  
[ A.K. Yog ]  
Judicial Member

kumawat

क्र.प्र.श. (प्रक्रिया) नियमावली के नियम 22 के अन्तर्गत निः शुल्क प्रति

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JODHPUR BENCH, HIGH COURT CAMPUS, JODHPUR.

COPY OF ORDER DATED 04.01.2008 PASSED IN MA No.186/07  
IN OA No. 106/2007

APPLICANT  
U.O.I. & Others

Vs

RESPONDENTS  
PRATAP

Date of Order : 4.1.2008.  
MA No. 186/2007 in OA No. 106/2007

Mr. Vinay Chhipa, Advocate, holding brief of  
Mr. Manoj Bhandari, counsel for applicants.  
Mr. Kuldeep Mathur, Advocate, counsel for respondent.

Heard.

Applicants in MA No. 186/2007 (who were respondent in OA No. 106/2007) have prayed for extension of two months time allowed vide order dated 25.9.2007 in O.A. No. 106/2007 to decide the representation in the matter of compassionate appointment.

8005 10.10.2007 10.10.2007

Vice para 2 of this application, it is admitted that the original applicant (Pratap) filed representation dated 17.10.2007 which was received in the office of the respondents on 22.10.2007.

COMARED &  
CHECKED

Time granted by the Tribunal vide above referred order dated 25.9.2007 has expired on 21.12.2007. This application (seeking extension of time) was filed on 22.11.2007 without giving any excuse or explanation for failure on their part.

In the interest of justice, however, we grant further two months' time to decide the representation of the original applicant (Shri Pratap/S/o Shri Pancham Lal) in pursuance to our order dated 25.9.2007 in O.A. No. 106/2007 - Pratap Vs. U.O.I & Ors. On or before February 22, 2008.

This application stands finally disposed of subject to above observations.

Sd/-  
(R.R.BHANDARI) CERTIFIED TRUE COPY  
MEMBER[A] Dated 10-01-2008 Sd/-  
(A.K.YOG)  
MEMBER[J]

अधिकारी (वारा.)  
Section Officer (J.A.)  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
जोधपुर न्यायालय जोधपुर  
Jodhpur Bench, Jodhpur.