

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR

O.A. NO. 456/2011

Dated this the 5th day of March, 2012

CORAM

Hon'ble Dr. K.B.S.Rajan, Judicial Member
Hon'ble Mr. Sudhir Kumar, Administrative Member

Nav Ratan Sad S/o Shri Lacchi Ram,
R/o Vilalge Loha, Tehsil Ratangarh,
District Churu (Rajasthan)
Father was working on the post of Gatekeeper
Under Respondent No.2.Applicant

(By Advocate Mr. B.Khan)

Vs.

1. Union of India through the General Manager,
North Western Railway, Jaipur Zone,
Jaipur (Rajasthan)
2. The Divisional Railway Manager,
North Western Railway,
Jodhpur (Rajasthan).
3. The Senior Divisional Personnel Officer,
North Western Railway,
Jodhpur (Rajasthan).Respondents

(By Advocate Dr. Prasanth Sharma)

O R D E R (oral)

Per: Hon'ble Dr. K.B.S.Rajan, Judicial Member

The father of the applicant was a regular employee under the respondents and he retired on medical ground on 24-07-2007. After his retirement he had applied for compassionate appointment of his son vide Annexure A-4 letter dated 05-05-2008. On his own behalf, the applicant himself moved representation on 24-10-2008. However, the father of the applicant was informed through communication dated 10-11-2008 that the case for appointment of the applicant is pending consideration before the Headquarters Authority. Annexure A5

communication dated 10-11-2008 refers. Despite renewal of his request, vide Annexure A-7, there has been no further progress save that through Annexure A-1 letter dated 07-05-2010, the applicant has been informed again that the case of the applicant is under consideration. Thus, on the expiry of more than six months period from the date of communication dated 07-05-2010, under the provisions of Rule 20(2) of the A.T. Act, 1985, the applicant has moved the Tribunal seeking the following reliefs:-

"It is, therefore, most respectfully prayed that original application filed by the applicant may kindly be allowed and respondent may kindly be directed to consider the candidature of the applicant for compassionate appointment on the suitable post.

Any other appropriate order which this Hon'ble Court deems fit may also be passed in favour of the applicant."

2. When the case came up for admission hearing, counsel for both the sides were present. The counsel for the applicant submitted that the applicant has been sanguinely hoping to get a decision in regard to his case but despite months have passed, there has been no communication and hence this petition. Counsel for the respondents has no instructions in regard to the further progress in the matter at the hands of the respondents.

3. Though normally, on the expiry of six months of representation, presumption could be made as deemed rejection of the representation and the case could be proceeded further in the Tribunal, in the instant case, in the absence of adequate information available in the pleadings, the case cannot be adjudicated. It was felt appropriate that instead of calling for counter from the respondents, since the case is pending consideration, it would be more appropriate that on the administrative side, the respondents first consider the case and arrive at a judicious decision and communicate the same accordingly to the

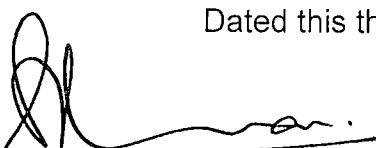
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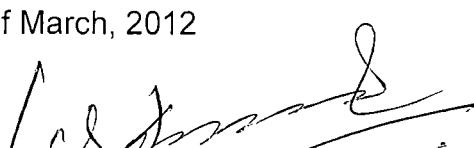
applicants. Since the case is not now decided on merit, in the event of the applicant not being satisfied with the decision as and when taken by the respondents, he is at liberty to move the Tribunal.

4. In view of the above, this OA is disposed of with a direction to the respondent No. 1, i.e. the General Manager, North Western Railway, Jaipur Zone, Jaipur to examine the case of the applicant pending with them and arrive at a judicious decision within a period of three months from the date of communication of this order.

5. No costs.

Dated this the 5th day of March, 2012


SUDHIR KUMAR
ADMINISTRATIVE MEMBER


DR. K.B.S. RAJAN
JUDICIAL MEMBER

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