

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

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OA 487/2001

Friday, this the 19th day of April, 2002.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

P. Easwaran, aged 22 years, S/o late Perumayee,  
Ex-Water Carrier, S.No.88,  
Coimbatore Junction,  
residing at Door No.73 B,  
Tirupathigoundannur,  
Iyyamperumapatti (P.O.),  
Salem-5.

... Applicant

( By Advocate Mr. P. Ramakrishnan )

Vs

1. Union of India, rep. by the  
Secretary to the Government,  
Ministry of Railways,  
New Delhi.

2. The General Manager,  
Southern Railway,  
Chennai-3.

3. The Chief Personnel Officer,  
Southern Railway,  
Headquarters Office,  
Personnel Branch,  
Chennai.

4. The Divisional Railway Manager,  
Southern Railway,  
Palghat-2.

... Respondents

( By Mrs. Rajeswari Krishnan )

The application having been heard on 19.4.2002, the  
Tribunal on the same day delivered the following :

ORDER

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

The applicant, the elder son of Smt. Perumayee who died  
while working as Water Carrier at the Coimbatore Railway Station  
on 28.8.1991. Smt. Perumayee was the only bred winner of the  
family consisting of the applicant and his younger brother. As  
the applicant was 13 years only on the death of Smt. Perumayee,  
immediately no request was made for appointment on compassionate

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grounds. Thereafter, the applicant had on 12.2.1995 submitted a representation for employment assistance on compassionate grounds to the 3rd respondent and he made reminders on 3.6.96, 2.4.97 and 22.6.98. Again on 16.1.1999, he made another representation. Pursuant to which he was asked to submit a proper application in the prescribed format, which he did on 5.4.99. Even then he was not favoured with employment assistance on compassionate grounds, the applicant filed OA No.948/99. When the above OA came up for hearing, Shri James Kurien appeared for the respondents and the learned counsel on either side agreed that the application may be disposed of directing the 2nd respondent, the General Manager, Southern Railway, Chennai to consider the case of the applicant for employment assistance on compassionate grounds. In terms of the above agreement by the counsel on either side, the application was disposed of directing the 2nd respondent to have the case of the applicant considered for employment assistance on compassionate grounds by the competent authority and to give the applicant a speaking order.

2. In pursuant to the above direction, the impugned order has been issued by the 3rd respondent stating that as the applicant did not apply for employment assistance within two years after attaining the age of majority and as per records he applied only on 4.9.98, the request for employment assistance on compassionate grounds had to be rejected.

3. Aggrieved by this, the applicant has filed this application seeking to set aside the impugned order and for a declaration that the applicant ought to have been appointed on compassionate grounds way back in 1996 and for appropriate direction to the respondents.

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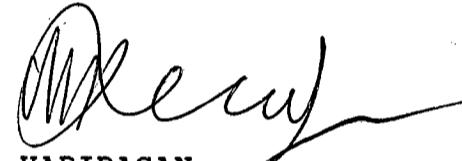
4. Respondents seek to justify the impugned order on the ground that no records available in the Department to show that the applicant had submitted representations dated 12.2.95, 3.6.96, 2.4.97 and 22.6.98.

5. On a careful scrutiny of the application, the pleadings and the materials placed on record and on hearing Ms. Sandhya, the learned counsel for the applicant and Mr. M.P. Krishnan Nair, the learned counsel for the respondents, I am of the considered view that the respondents are not justified in turning down the claim of the applicant for employment assistance on compassionate grounds. What is stated in the impugned order A4 is that there is no record to show that the representations submitted by the applicant on 12.2.95, 3.6.96, 2.4.97 and 22.6.98 had been received in the office. It is also mentioned in the order that in the representations made by the applicant on 4.9.98 and 19.11.98, the applicant had mentioned that he had made representations on 12.2.95, 3.6.96, 2.4.97 and 22.6.98. If the 1st representation of the applicant was received by the respondents only on 4.9.98, the respondents should have been given immediately a reply to the applicant stating that the applicant's claim was received beyond the period stipulated and that the representations quoted in the representation dated 4.9.98 had not been received by them. That was not done. The mere fact that the respondents could not trace the representations made on 12.2.95, 3.6.96, 2.4.97 and 22.6.98 does not mean that the applicant had not made any such representations. In any case, on behalf of respondents, the counsel in OA 948/99 had agreed that the case of the applicant for employment assistance on compassionate grounds would be

considered by the competent authority, the respondents should not have been rejected the claim of the applicant without considering the same on merit stating that the applicant's representations were belated.

6. In the light of what is stated above, I allow this application in part, set aside A4 impugned order and direct the 2nd respondent to have the case of the applicant considered for employment assistance on compassionate grounds by the competent authority treating that the claim has been made by the applicant within the stipulated period of two years from the date of his attainment of majority and to issue appropriate orders on that as expeditiously at any rate within a period of three months from the date of receipt of a copy of this order. No costs.

Dated the 19th April, 2002.

  
A.V. HARIDASAN  
VICE CHAIRMAN

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APPENDIX

Applicant's Annexures:

1. A-1 : True copy of representation dated 12.2.95 from the applicant to the 4th respondent.
2. A-2 : True copy of the letter dated 22.6.98 from the applicant to the 3rd respondent.
3. A-3 : True copy of order dated 6.9.99 in OA No.948/99 of the Hon'ble Central Administrative Tribunal, Ernakulam.
4. A-4 : True copy of the order passed by the 3rd respondent dated 30.12.99 rejecting the claim of the applicant for appointment on compassionate grounds.

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29.4.02