

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 124/93

Tuesday, the eighteenth day of January, 1994

MR. N. DHARMADAN MEMBER (JUDICIAL)

MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

C. Kuppusamy, No. 53 CMC Colony I lane
Kamaraja Puram, R.S. Puram Post
Coimbatore-641 002

Applicant

By Advocate Mr. P.S. Pillai

vs.

1. Union of India through the General Manager
Southern Railway, Park Town P.O. Madras-3

2. The Chief Medical Officer, Southern Railway,
Railway Hospital, Perambur, Madras

3. The Divisional Railway Manager, Southern
Railway, Palghat Division, Palghat

4. Medical Supdt. Southern Railway,
Railway Hospital, Palghat

Respondents

By Mr. T.P.M. Ibrahim Khan

ORDER

N. DHARMADAN

A Sanitary Cleaner who has been removed from service as per Annexure A-1 order is before us. He is seeking a direction for disposal of Annexure A-12 appeal which was submitted by him before the General Manager in the light of the circular No. 114, dated 13.4.91, produced as Annexure A-11.

2. The removal order Annexure A-1 was confirmed by the appellate authority on 22.5.87 and the revision petition was disposed of by Annexure A-5 order dated 5.10.88. Thereafter, on 13th April, 1991, the organisation circular No. 114 was issued in which there is an indication that the General Manager has taken compassionate view and agreed for reconsideration of all cases relating to unauthorised absence and removal of employees in the lowest strata considering individual cases. In the light of the above circular, the applicant sent Annexure A-12 representation on 24.4.91 to the General Manager. That representation

has not been disposed of so far. The only prayer made by the learned counsel for the applicant is to issue a direction to the first respondent to consider the case of the applicant XXX taking a lenient view in the light of Annexure A-11 particularly bearing in mind the fact that the applicant belongs to a poor family of Scheduled Caste community consisting, of six children, wife and aged mother. He has no means to maintain the family. His daughter aged 11 years is handicapped and the family is facing acute poverty.

3. In the reply, respondents have admitted that the General Manager, Southern Railway has agreed to reconsider the cases in the light of Annexure A-11 organisation circular.

4. In the light of these facts, we are of the view that the original application can be disposed of with appropriate direction. Accordingly, we direct the first respondent to consider and dispose of Annexure A-12 representation in the light of the view of the General Manager as referred to in Annexure A-11. This shall be done within the period of four months from the date of receipt of the copy of this judgment.

5. The application is disposed of as above.

6. There shall be no order as to costs.


(S. KASIPANDIAN)
MEMBER (ADMINISTRATIVE)

kmn


(N. DHARMADAN)
MEMBER (JUDICIAL)
18.1.94