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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.136/05

Friday this the 25th day of February 2005

C O R A M :

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

1. J.Valliammal,
W/o.late Jagadeeswaran
(Diesel Assistant, Southern Railway, Erode),
Residing at No.146/A, Bharathi Nagar,
Erode – 2.
2. J.Premalatha,
D/o.late Jagadeeswaran
(Diesel Assistant, Southern Railway, Erode),
Residing at No.146/A, Bharathi Nagar,
Erode -2.

Applicants

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by the General Manager,
Southern Railway, Head Quarters Office,
Park Town P.O., Chennai – 3.
2. The Senior Divisional Personnel Officer,
Southern Railway, Palakkad.

Respondents

(By Advocate Mr.P.Haridas)

This application having been heard on 25th February 2005 the Tribunal on the same day delivered the following :

ORDER

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

The first applicant is a widow of late Jagadeeswaran who died in harness on 23.12.2003 while working as a Diesel Assistant under the Southern Railway and the second applicant is his daughter. On the sudden death of late Jagadeeswaran Annexure A-1 request was made by the 1st applicant for employment assistance on compassionate grounds by appointing the second applicant on 19.4.2004. The second applicant also made a similar application on the same date (Annexure A-2). These

representations have not been considered and the applicants have not been favoured with either employment assistance on compassionate grounds or a reply. Under these circumstances the applicants have filed this application for a declaration that the non feasance on the part of the respondents to consider the second applicant for an appointment on compassionate grounds is arbitrary, discriminatory and unconstitutional and for a direction to the respondents to consider the second applicant for an appointment on compassionate grounds.

2. When the application came up for hearing Shri.P.Haridas took notice on behalf of the respondents. Counsel on either side agree that the application may be disposed of directing the 2nd respondent to have the case of the applicants for compassionate appointment considered in accordance with rules and instructions and an appropriate order passed on the same within a reasonable time.
3. In the light of what is stated above the application is disposed of directing the 2nd respondent to consider the claim of the applicants for employment assistance on compassionate grounds made in Annexure A-1 and Annexure A-2 in accordance with rules and instructions on the subject and issue appropriate orders thereon within a period of three months from the date of receipt of a copy of this order.

(Dated the 25th day of February 2005)



A.V.HARIDASAN
VICE CHAIRMAN