

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.252/05

Wednesday this the 3rd day of August 2005

C O R A M :

**HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER**

P.R.Regani,
D/o. Late Raghavan;
Residing at : Penthittayil House,
Eroor P.O., Tripunithura, Ernakulam.

...Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

1. Union of India represented by the General Manager,
Southern Railway, Headquarters Office, Chennai – 3.
2. Divisional Railway Manager,
Southern Railway, Palghat Division,
Palghat.
3. Senior Divisional Personnel Officer,
Southern Railway, Palghat Division,
Palghat.

...Respondents

(By Advocate Ms.P.K.Nandini)

This application having been heard on 3rd August 2005 the Tribunal
on the same day delivered the following :

ORDER

HON'BLE MRS.SATHI NAIR, VICE CHAIRMAN

The applicant has filed MA to condone the delay of 954 days. The
applicant states that she has submitted an application in the prescribed
proforma for an appointment on compassionate grounds immediately after
the death on 22.1.2001 and she had been made to understand that her
request has been registered and that it will be considered at the
appropriate time. She has submitted another representation on 10.6.2004.

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Since this has also not been responded by the respondents she has approached this Tribunal and hence the delay of 954 days has occurred.

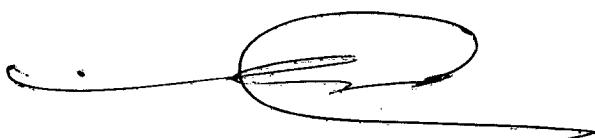
2. The respondents in their reply have averred that an application for compassionate appointment was given on 22.1.2001. The next representation was given after a lapse of three years and the arguments of the applicant are only after thought and that unsuccessful representations made repeatedly cannot extend the period of litigation. The applicant should have been vigilant enough to agitate his right in time. Counsel for the respondents, however, during the arguments submitted that in pursuance of the application given by the applicant on 22.1.2001 a Welfare Inspector was deputed and necessary inquiry has been made in which it was found that the applicant was not a dependent and therefore her case could not be further processed. However, such a decision was not communicated to the applicant. The respondents deny that any representation dated 10.6.2004 (Annexure A-2) was received by them. It is thus obvious from the above averments on record that the applicant had approached the respondents in time and that though inquiries were made by the respondents no decision was communicated to the applicant and hence applicant cannot be held responsible for having not approached the Tribunal in time. In this view of things we feel that it is a fit case to condone the delay.

3. The respondents have brought to our notice a circular issued by the Department of Personnel & Training and that has been adopted by the Railway Board in their circular No.17 & No.23 dated 4.9.1996 & 2.5.1997 according to which the authorities have to verify the genuineness of the claim of dependency in the case of Railway employees dying as bachelor

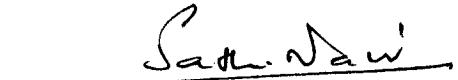
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and such cases require a personal approval of the General Manager and that candidate proposed for appointment should be shown as dependent upon the late employee as per the ~~Pass~~ ^{Govt} Rules. It is, therefore, the contention of the counsel for the respondents that the applicant has not fulfilled these guidelines. Apart from the oral contention there is nothing on record to show that such a consideration is given to the request of the applicant. We, therefore, are of the view that interest of justice will be met by giving a direction to the respondents to consider the representation of the applicant at Annexure A-2 dated 10.6.2004 following the procedures prescribed in Annexure A-3 and Annexure A-4 and communicate a decision to the applicant within a period of three months from the date of receipt of a copy of this order. No order as to costs.

(Dated the 3rd day of August 2005)



K.V.SACHIDANANDAN
JUDICIAL MEMBER



SATHI NAIR
VICE CHAIRMAN

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