

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. NO. 254/2005

This the 22nd day of November, 2006.

Hon'ble Mr. Justice Khem Karan, Vice Chairman.

Dharma Raj Ojha, aged about 21 years s/o Late Sri Ganga Prasad Ojha, Gram Bahariya (Ojha Ka Purwa), Post Sandawa Chandika, Pargana and Tahsil-Sadar, P.S.- Antu, District-Pratapgarh.

....Applicant.

By Advocate Shri S.C. Verma holding brief of Shri R.A. Mishra.

Versus

1. Union of India through its General Manager N.R. Baroda, New Delhi.
2. Divisional Railway Manager, N.R. Lucknow.
3. Senior D.M.E. N. R. Lucknow.
4. Senior account Officer/Pension paying authority N.R.Lucknow.
5. Loko Foreman, Uttaar Railway, Varanasi.

Respondents.

By Advocate Shri V. K. Srivastava.

Order (Oral)

By Hon. Mr. Justice Khem Karan, Vice Chairman.

The applicant, son of late Shri G.P. Ojha, is praying for directing the respondent No. 2 and 3 to appoint him on compassionate ground on any post in Group 'D'.

2. It has been alleged that his father was inducted in the year 1978 as cleaner, T/Loco No. 263 and continued working as such till his death on 1.7.1984.
3. It is further stated at the time Shri G.P. Ojha died, the applicant was hardly one year old. His mother gave application on 5.12.1985 to the Divisional Railway Manager praying that her



son be given compassionate appointment as and when he attained the majority and thereafter, she repeated such requests. Applicant says that on attaining the majority and requisite qualification, he applied on 15.11.2002 for such compassionate appointment, but till date no decision has been taken on his request.

4. The respondents have resisted the claim by saying that such request for compassionate appointment made after lapse of a number of years of the death of the concerned employee cannot be accepted. It is also stated that if the family could survive without such assistance of employment for all these years, there is no justification for giving such employment.
5. Shri Verma has contended that the respondents ought to have taken some decision on the request of the applicant for compassionate appointment and should not have kept it pending with them. He has also tried to say that the economic condition of the family is poor one and so the applicant is in need of assistance by way of compassionate appointment, and the request for compassionate appointment cannot be turned down on the ground of delay alone. Shri Verma submits that there are several orders of the Railway Board to the effect that in suitable cases, such requests can be entertained even after lapse of several years and matter can be considered on merits. Shri V.K. Srivatava has tried to say that in a view of recent judgments rendered by the Apex Court, such request for compassionate appointment made after, considerable period of death of employee concerned cannot be accepted. He also argues had the economic condition of the family been poor one, the family could not have been able to sustain itself for all these years.
6. The Tribunal is of the view, the respondents ought to have taken some decision, this way, or that way, on the request of the

applicant for compassionate ground. So proper course seems to be to ask them to take a decision on applicant's application dated 15.11.2002, Annexure No. 6 in accordance with the relevant rules/orders on this subject of the compassionate appointment. The Tribunal is not expressing any view regarding the merits or demerits of the applicant's claim as the same is to be considered by the authority concerned.

7. So this O.A. is finally disposed of with a direction to respondent No. 2 to consider and pass suitable orders on application dated 15.11.2002 of the applicant in accordance with relevant rules/orders on the subject of compassionate appointment, within a period of three months from the date a certified copy of this order together with the copy of the said application is placed before him. No order as to costs.


(Khem Karan)
Vice Chairman.