

Original Application No.476/2007

This the 20th day of February, 2008

Hon'ble Shri Justice Khem Karan, Vice Chairman

Mahavir Prasad aged about 22 years son of late Nand Lal, resident of C/o Ram Kishore F.11, Police Radio Colony, Mahanagar, Lucknow.

Applicant

By Advocate: Sri R.K. Upadhyaya

Versus

1. Union of India through Divisional Railway Manager, Northern Railway, Lucknow.
2. Divisional Personnel Officer, Northern Railway, Lucknow.
3. Senior Section Engineer (Electric) A.C. Coaching Northern Railway, Charbagh, Lucknow

Respondents

By Advocate; Sri B.B. Tripathi for Sri N.K.Agrawal

ORDER (ORAL)

HON'BLE SHRI JUSTICE KEHM KARAN, VICE CHAIRMAN

Applicant, Mahavir Parsed, claiming himself to be the son of Sri Nand Lal, has filed this O.A. for commanding the opposite parties to consider this case for appointment under dying in harness rules.


2. His case is that his father was an employee of the respondents and he died while still in service and thereupon Rajesh Kumar, elder brother of the applicant was given compassionate appointment under dying in harness rules. He alleges that Rajesh Kumar also died on 31.8.99. According to him, he was dependant of Rajesh Kumar and so he is entitled to compassionate appointment. At the time, Rajesh Kumar died, applicant was minor and on attaining the majority, he moved application dated 20.4.2004 (Annexure 4) for giving him appointment under dying in harness rules. He says the



respondents have not passed any order on his request for compassionate appointment. Sri B.B. Tripathi b/h for Sri N.K.Agrawal states that the O.A. is not within time.

2. I think such an Original Application saying that request for compassionate appointment has not been considered so far, cannot^{sk} said to be time barred. It appears to be a case^{where}, respondent No. 2 may be asked to pass suitable orders in accordance with rules[^], on the request of the applicant for compassionate appointment, on death of his brother Rajesh Kumar. The Tribunal is not expressing any view as regards the merits or demerits of the case of the applicant as the respondent No. 2 is yet to take a decision.

3. So, this O.A. is finally disposed of with a direction to the respondent No. 2 to consider^{the representation} of the application dated 20.4.2004 (Annexure 4) for compassionate appointment under dying in harness rules in accordance with rules, within a period of 3 months from the date, a certified copy of this order, together with copy of said application is produced before him. No costs.


20.2.08
Vice Chairman

HLS/-