

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
LUCKNOW BENCH,  
LUCKNOW.**

**Original Application No. 469 of 2011**

This the 24<sup>th</sup> day of October, 2013

**Hon'ble Mr. Navneet Kumar, Member-J**

Mahesh Pandey, aged about 33 years, S/o late Jagat Pal, R/o Village Sikari Post Office Parsa Mahesi, Tehsil Colonelganj, Gonda

.....Applicant  
By Advocate : Sri G.L. Shukla .

Versus.

1. Union of India through its Chairman/Secretary Ministry of Railways Board, New Delhi.
2. Chief Administrative Officer (Nirman), Mahendru Ghat, Patna.
3. Chief Administrative officer (Nirman) North Eastern Railway, Gorakhpur.

.....Respondents.

By Advocate : Sri D.K. Mishra

**O R D E R (Oral)**

The present Original Application has been filed by the applicant under Section 19 of Administrative Tribunals Act, 1985 with the following relief(s):-

- (i) *"to direct the Opposite parties to consider to case of the petitioner for appointment on compassionate ground under Dying-in-harness Rule as per his qualification of the petitioner as the father of the petitioner late Jagat Pal was working as Gangman under the Opposite parties has been died on 24.12.2006."*
2. The facts, in brief, are that that the applicant is the son of late Jagat Pal, who was initially engaged as Khalasi in the year 1996 and continued to work with the respondents till his death. The applicant's father died on 24.12.2006. In 2008, the applicant requested for grant of compassionate appointment and has submitted a detailed application alongwith all relevant documents. After receipt of application of the applicant for appointment on compassionate ground, the respondents vide letter dated 26/27.11.2008 certain information were sought for considering the case of the applicant for appointment on compassionate

ground. Soon thereafter the respondents have passed the order dated 24.12.2008 whereby the respondents have stated that 'Chhapra' unit comes under the purview of North Eastern Railway and as such the entire papers in respect of the applicant were transmitted to Chief Administrative Officer (Construction), North Eastern Railway, Gorakhpur for early dispose of claim of the applicant for appointment on compassionate ground. After the said letter, the applicant was pursuing with the respondents for early disposal of his claim by making repeated representations. The mother of the applicant has also requested the Chief Administrative Officer (Construction), North Eastern Railway, Gorakhpur for appointment on compassionate ground in favour of the applicant. It is averred by the applicant that the said application of the applicant for appointment on compassionate ground is still pending for final adjudication.

2. Learned counsel appearing for the respondents has filed preliminary Objection wherein the respondents have stated that the applicant had not given the photocopy of all pages of entire original application, but he has not filed any Reply to the Original Application despite the fact that O.A. was filed in the month of November, 2011.

3. Learned counsel appearing on behalf of the applicant fairly submitted at the Bar that since the application of the applicant is pending since 2008 and he has been making repeated representation and the respondent has also acknowledged and forwarded the application of the applicant to Chief Administrative Officer (Construction), North Eastern Railway Gorakhpur, but the same has not been decided by the respondents and as such it is prayed by the learned counsel for the applicant that the applicant would be satisfied if the pending representation of the applicant be directed to be decided by the competent authority within a stipulated period of time by passing a reasoned and speaking order.

4. Considering the submissions made by learned counsel for the parties and without going into the merits of the case, I deem it appropriate to dispose of this Original Application with a direction

to the respondents particularly respondent no. 3 to consider and decide the pending representation of the applicant dated 27.4.2011 in accordance with law within a period of four months from the date of receipt of a certified copy of this order under intimation to the applicant. Costs easy.

Navneet Kumar  
(Navneet Kumar)  
Member-J

Girish/-