

(P3)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

Original Application No. 371 of 1992

Km. Neeru Sharma Applicant

Versus

Union of India & Others Respondents

Hon'ble Mr. S.N. Prasad, Member (Judicial)

The applicant has approached this tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer for directing the respondents to give employment to the applicant on compassionate ground, and for further directing the respondents to release the gratuity for which the deceased Tilak Raj was entitled, amounting to Rs. 5,600/- (which was due to credit of the deceased Tilak Raj).

2. Briefly stated the facts of the case, inter alia, are that the applicant's father namely late Tilak Raj was working as Travelling Ticket Examiner under the jurisdiction of the respondent no. 3 and he died on 20.3.1982 in harness leaving behind the applicant, as her sole legal heir. It has further been stated that at the time of death of aforesaid Tilak Raj, the applicant was minor and on attaining the majority she submitted the application on 19.4.1989 to the respondent no. 3 for giving her employment on compassionate ground. It has further been stated that ~~though~~ all the claims arising due to death of the aforesaid Tilak Raj have been paid to the applicant excepting the amount of gratuity to the tune of Rs. 5,600/-. It has further been stated that the impugned order dated 6.3.1991 whereby the claim of the applicant regarding her appointment on compassionate

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ground, has been rejected, is not speaking order in as much as no reason has been given as to why the application of the applicant has been rejected.

3. I have heard the learned counsel for the applicant and have perused the papers annexed thereto.

4. The learned counsel for the applicant while drawing my attention to the contents of the application and papers annexed thereto has stressed that the impugned order dated 6.3.1991 passed by the respondent no. 3 (D.R.M. Northern Railway, Hazratganj, Lucknow) is non-reasoned and non-speaking order and has been passed mechanically without considering the salient features of the case and without considering the extant rules and regulations in this regard and as such the respondent no. 3 be further directed to decide the matter of the applicant in accordance with law keeping in view the extant rules and regulations and orders in this regard, by reasoned and speaking order.

5. This is noteworthy that the impugned order dated 6.3.1991 reads as follows :-

"Your case of appointment on compassionate grounds has been examined by the competent authority in Head Quarter's Office, but it is regretted that the same has not been agreed to."

As quoted above, a perusal of the impugned order itself reveals that the respondent no. 3 has not considered the extant rules and regulations and orders of the Railway Board in this regard and has not even given any reason for rejecting the application of the applicant. A perusal of the paragraph 8 of the

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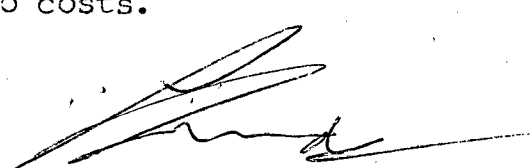
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application of the applicant shows that the applicant has passed the Intermediate in first Division.

6. It is well settled that every administrative order which decides the right/claim of an individual should be speaking and reasoned order as enunciated in the ruling reported in 1990 (8) L.C.D. page 329-330, Vinod Kumar Mittal (Petitioner) Vs. Union of India and others. (Respondents) ~ and ~

7. Thus, in view of the above, keeping in view all the aspects of the matter, I find it expedient that the ends of justice would be met if the respondent no. 3 (D.R.M., Northern Railway, Hazratganj, Lucknow) is directed to re-consider the matter of the applicant regarding giving employment to her on compassionate ground, commensurate with her aptitude and ability, keeping in view the extant rules and regulations and orders of the Railway Board's in this regard and also to consider the matter of payment of gratuity to the applicant after making necessary enquiries and verifications and adjusting all the dues if any still lying outstanding against the aforesaid Tilak Raj, ^{by reasoned and speaking order} within a period of three months from the date of receipt of the copy of this judgement; and I order accordingly.

8. The application of the applicant is disposed of as above. No order as to costs.


Member (Judicial)

Dated: 1.1.1993

(RKA)

1.1.1993