

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.42/2008
This the 17th March, 2010

HON'BLE DR. A.K. MISHRA, MEMBER (A).

Hori Lal (SC) aged about 31 years, son of late Gulzari Lal ex gangman under senior section engineer (P. Way) N. Railway Station, Chilbilla under the respondents and resident of house no. S/2-81 Dubagga, Lucknow.

...Applicant.

By Advocate: Shri A.C. Mishra.

Versus.

1. Union of India through General Manager, N. Rly Headquarter Office, Baroda House, New Delhi.
2. Chairman Railway Board, Rail Bhawan, New Delhi.
3. The General Manager, Headquarter Office, Baroda House, New Delhi and
4. The Divisional Railway Manager, Northern Railway, Lucknow.

... Respondents.

By Advocate: Shri S.M.S. Saxena.

ORDER (Oral)

BY HON'BLE DR. A.K. MISHRA, MEMBER (A).

Heard both the parties.

2. The learned counsel for the applicant submits that according to the Railway Board's Circular RBE No.114/95 an application for appointment on compassionate ground could be considered by the Railway Board's even if it is made after expiry



of limitation period of 20 years in suitable cases. His prayer is that in his case there is extreme hardship, which should have been investigated by any officer of welfare department of Northern Railway and thereafter, the matter should have been sent to railway board for final decision.

3. The learned counsel for the respondents submits that the matter was considered by the General Manager (Personnel), who did not find it fit for forwarding to the Railway Board and the impugned order dated 13.02.2006 was accordingly issued on behalf of General Manager (Personnel). The learned counsel for the applicant has challenged this order on the ground that it is not a speaking order. No reasons have been indicated why the matter was not considered in terms of paragraph-4 of the aforesaid Railway Board's Circular RBE No.114/95 of the railways.

4. In the circumstances, I dispose of this OA with a direction to the Respondent No.3 (General Manager (Personnel)) to pass a suitable speaking order on the merits of the case in accordance with rules within a period of four months from the date a copy of this order is supplied to him. However, I make it very clear that the issue relating to the limitation has not been gone into while passing this order.

5. The OA is disposed of accordingly. No order as to costs.


(Dr. A.K. MISHRA)
MEMBER (A)