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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH,

LUCKNOW.

O.A.No. 925/91

1. Lahori Ram
2. Bhawani Prasad Applicants

Vs.

Union of India &
Others. Respondents.

Hon'ble Mr. S.N. Prasad, J.M.

(By Hon'ble Mr. S.N. Prasad, J.M.)

The applicant, ~~has~~ approached this Tribunal for directing the respondents to consider the matter of providing employment to applicant No.2 on compassionate ground; and for further directing the respondents to pay all the terminal benefits i.e. grant of pension and all other terminal benefits to the applicant No.1.

2. Succinctly the facts of this case, inter-alia, are that the applicant No.1 Shri Lahori Ram, was working in the Railways since 2-2-1955. As per the provisions of Railway Medical Rules the applicant was required to undergo periodical medical examination before the D.M.O. once in a year and when the applicant appeared before the D.M.O. on 23-10-86, after the medical examination, he was declared unfit for the post of Driver 'C' (Steam).

3. The main grievance of the applicant No.1 appears to be that despite his being declared medically unfit and despite the expiry of 6 months' extra-ordinary leave, he was not provided any alternative post and eventually he was retired by order dated 9-8-88, from the post of Driver 'C' (Steam) w.e.f. 24-4-87, and despite his best efforts and representations to the

authorities concerned nothing materialised. It has further been stated that the date of birth of the applicant being 24-1-34 the applicant was to retire in the year 1992, but due to his being declared medically unfit he was deemed to have retired w.e.f. 24-4-87 i.e. more than 4 years prior to his reaching the age of superannuation. As such, in terms of Railway Board's letter dated 7-4-83 the applicant No.2 should have been given employment on compassionate ground, but no employment has been given to him so far even though representation has been given to the respondents in this regard.

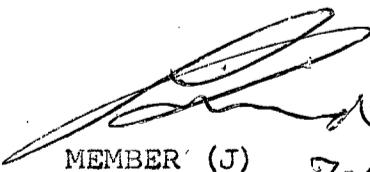
4. The respondents in their counter reply have resisted the claim of the applicant/inter-alia that since the applicant was retired from Railway Service w.e.f. 24-4-87 after the expiry of/extra-ordinary leave as the applicant could not be provided with an alternative employment and as he was not declared unfit for all categories his sonn could not be considered for employment on compassionate ground.

5. I have heard the learned counsel for the applicant and thoroughly gone through the contents of the application and annexures thereto.

6. A perusal of the records reveals that the representation of the applicant No.2 dated 23-9-88 (Annexure A-5) for providing him employment on compassionate ground and representation of applicant No.1 dated 19/6/90 and/ (Annexures A-8 & A-9) are still pending with the respondent No.3 and have not been decided so far. From the perusal of records it appears that the applicant No.2, Shri Bhawani Prasad is a graduate and he has filed an affidavit which shows that certain amounts have been received by applicant No.1 by way of pension and gratuity etc.

7. After considering all the view points and all aspects of the matter and keeping in view the facts and circumstances of the case, I find it expedient that the ends of justice would be met if the D.R.M., ^{N. P. G.} Allahabad, (respondent No.3) is directed to decide the above representations (Annexures A-5, A-8 & A-9) by reasoned and speaking order, keeping in view the directions contained in Railway Board's Circular dated 7-4-83 and the provisions contained in Chapter XIII of the Railway Establishment Manual and to redress the grievances of the applicants accordingly within a period of 2 months from the date of communication of this order, and I order accordingly. It is made clear that while ascertaining the terminal/retiral benefits of the applicant No.1 the details of the amounts admissible to him and the details of deductions be clearly specified and the amount for which the applicant No.1 is found entitled be paid to him within the aforesaid period of two months. It is also made clear that in case the above representations (Annexures ~~A-7~~, A-5, A-8 & A-9) are not readily available with the respondent No.3, the applicants shall furnish a copy of the same to the respondent No.3 within a period of 10 days from the date of receipt of the copy of this order.

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



MEMBER (J)

7-9-93

Dated: 7/9/1993, Lucknow.