

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

O.A. No. 409 of 1996

Date of order 14.12.2001

Surendra Kumar Singh, son of Late Ramchandra Singh, resident of village Sultanpur, PO Sultanpur, District Vaishali.

.. Applicant
-versus-

1. The Union of India, through Secretary, Railway, Govt. of India.
2. The Divisional Railway Manager (Personnel), Sonepur, N.R.Railway, Sonepur.
3. The General Manager (Personnel), N.E.Railway, Gorakhpur.
4. The Chief Personnel Officer, N.E.Railway, Gorakhpur.

.. Respondents

Counsel for the applicant.. Shri A.N.Jha

Counsel for the respondents.. Shri G.Bose

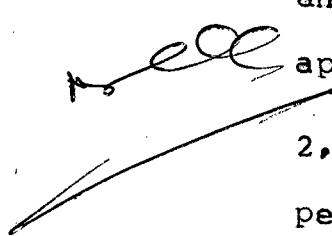
P R E S E N T: Hon'ble Shri L.R.K.Prasad, Member (A)

O R D E R

(Dictated in open court)

L.R.K.Prasad, Member (A):

This application has been filed with the prayer to direct the Railway-respondent to appoint ~~the~~ the applicant under Scheme of compassionate appointment in any of Class III service of the Railway or to any appropriate suitable post.


2. Heard the learned counsel for the parties and perused the materials on record.

3. Background of the case is that the father of the applicant was in the employment of Railway since 1970. He died on 26.4.1990 in an accident. Thereafter, the mother of the applicant submitted representation for sanction of retiral benefits and for appointment of her

son on compassionate ground. As no positive response was received from the Railway-respondent, the applicant felt aggrieved and has filed the instant O.A. with the prayer as stated above. The prayer, as contained in para 8.1 of the O.A. was deleted vide order dated 4.9.2001 passed in M.A.156/2001.

4. While clarifying the position of the case, the respondents have stated that this application is barred on account of limitation and other factors as stated in the ~~WS~~ It is pointed out that compassionate appointment cannot be claimed as a matter of right. Such request is, however, considered in terms of prescribed rules and instructions. The respondents have also stated that the father of the applicant remained absent in an unauthorised manner from 11th October 1982 to 15.6.1989 (about 7 years). While he was in service, he was served with major penalty charge-sheet on 15.6.1989 when he resumed duty and he was simultaneously placed under suspension. During the course of pendency of disciplinary proceeding, the father of the applicant died. The widow of the deceased employee had filed O.A.330/96, which was disposed of with direction upon the concerned respondent to consider and pass reasoned order. Accordingly, CPO (Admn.), N.E. Railway, Gorakhpur, passed a self-contained order on 11.5.2000 (Annexure-R-1). It is pointed out in his order that Sonepur Division had erroneously applied Rule 2014 of Railway Establishment Code and treated the case of Late Ramchandra Singh, as deemed to have resigned, hence the order was wrong. It was indicated that the deceased employee was entitled for all settlement benefits, as admissible

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under the relevant rule. As the deceased employee was absent for over 7 years in an unauthorised manner, the competent authority for regularising the period of absence is the President of India. Hence, the matter should be referred to him for passing appropriate order. So far as appointment of the applicant on compassionate ground is concerned, he observed that the same would depend upon the decision of the President of India. Thereafter, the matter of compassionate appointment can be considered by the competent authority. As contained in para 11 of W.S., it appears that unauthorised absence of five years (11.10.1982 to 10.10.1987) has already been regularised by the competent authority, but the period of absence beyond five years is required to be regularised by the President of India, for which necessary action has been initiated and the proposal sent to Railway Board.

5. I have considered the above matter and feel that this O.A. can be disposed of by directing the respondents to expedite the decision regarding regularisation of unauthorised absence of the father of the applicant for which a proposal is already pending with the Railway Board. The same may be settled within a period of four months from the date of receipt of a copy of this order. It is further ~~pointed~~ ^{directed} out that the case of the applicant for compassionate appointment should also be taken up for consideration

and appropriate reasoned order passed within three months thereafter.

6. This O.A. stands disposed of in terms of the above directions. No order as to the costs.

No. 6
(L.R.K.Prasad)

Member (A)

14.12.01

Mahato