

(19)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Review Petition No.17/92
in
O.A.447/91

Purushottam Pandurang Jadhav,
Wani Plot in front of M.S.E.B.
Sub-Station,
Near house of Barde Guruji Agalgaon Road,
Barsi,
Dist.Solapur 413 401. .. Applicant

vs.

1. Union of India
through
Secretary,
Railway Board,
Ministry of Railway,
Rail Bhavan,
New Delhi - 110 001.
2. The General Manager,
Central Railway,
Bombay V.T.,
Bombay - 400 001.
3. The Divisional Railway Manager,
Solapur Division,
Solapur - 413 001. .. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

TRIBUNAL'S ORDER ON REVIEW PETITION
BY CIRCULATION:
(Per M.Y.Priolkar, Member(A))

Date: 3-2-1992

This Review Petition (R.P.No.17/92) has been filed by the original applicant in O.A. No.447/91 for reviewing our judgment dated 15-10-1991 in that case on the ground that his O.A. has been rejected by us although his contention that the impugned order of the competent authority was discriminatory and violative of the principles of natural justice was not denied by the respondents and certain relevant orders of the Railway Board not produced by the respondents have come to the notice of the applicant subsequent to our judgment. According to the review petitioner, the letters of the Railway Board dated 28-2-1985 and 12-2-1990 which he has now produced lay down that

proposals for compassionate appointment should be carefully scrutinised so that the discretionary power vested in the competent authority can be exercised judiciously.

2. In our judgment, we have taken note of the charge of discrimination made by the petitioner and for the reasons given in the judgment, stated that in our view the General Manager's decision to refuse the appointment of the applicant on compassionate grounds cannot be considered as arbitrary or discriminatory. We have also given a finding that since the applicant's father was offered alternative employment in accordance with the guidelines of the Railway Board on the subject and the instructions regarding fixation of pay also provided that his pay, though in a lower scale, would have been protected even covering the running allowance to some extent, we were of the view that the applicant's father was not justified in refusing the alternative employment offered to him before retirement even if there was some loss of emoluments and then asking for compassionate appointment to his son. We have tacitly thus accepted that the General Manager has used his discretion judiciously. Subsequent Railway Board's circulars that competent authorities should exercise their discretionary powers judiciously would thus not make any difference to our observation in the judgment under review. There is no ~~any~~ error apparent from record and we do not find any sufficient reason to warrant a review of our judgment on the grounds cogent in the review petition, which is accordingly rejected.


(M.Y. PRIOLKAR)
Member (A)

MD


(U.C. SRIVASTAVA)
Vice-Chairman