

(5)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 15/93

Transfer Application No: ---

DATE OF DECISION 23-8-1993

Shri Raja Ramachandran Petitioner

Mr.D.V.Gangal Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Mr.J.G.Savant Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman

The Hon'ble ~~Mr.~~ Ms.Usha Savara, Member(A)

1. ~~Whether Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? *no*
3. ~~Whether their Lordships wish to see the fair copy of the Judgement ?~~
4. Whether it needs to be circulated to other Benches of the Tribunal ? *no*


(M.S.DESHPANDE)
VC

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

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O.A.15/93

Shri Raja Ramachandran,
C/o. Permanent Way Inspector,
Jasai.

.. Applicant

-versus-

1. Union of India
through
The General Manager,
Central Railway,
Bombay V.T.
 2. The Divisional Railway Manager,
Central Railway,
Bombay V.T.
 3. The Executive Engineer(Constn.)
Central Railway, Panvel.
 4. The Permanent Way Inspector,
Central Railway,
Jasai.
- .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman.

Hon'ble Ms.Usha Savara, Member(A)

Appearances:

1. Mr.D.V.Gangal
Advocate for the
Applicant.
2. Mr.J.G.Savant
Advocate for the
Respondents.

ORAL JUDGMENT: Date: 23-8-1993
(Per M.S.Deshpande, Vice-Chairman)

We have heard the learned counsel on merits. The applicant who is one of the five children of the deceased employee of the respondents applied for compassionate appointment as a casual labour on 2-4-89 i.e. within five years of his attaining the majority in February, 1989 as required under the rules, his father having died on 20-12-1988. The father was survived by three daughters, two sons and the widow.

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The widow is employed with the Central Railway.

2. Mr.D.V.Gangal for the applicant urges that under the rules the applicant was entitled to have his request considered and there was no reply to his representation. Shri J.G.Savant learned counsel for the respondents referred to a communication in which it was mentioned that the matter had been referred to the competent authority which felt that the power to grant compassionate appointment should not be exercised in this instant case.

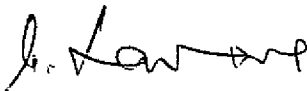
3. The relevant provision in this respect is contained in the Ministry of Railways letter dt. 31-12-1986, Annexure R-1. Para 5 thereof reads that the Ministry of Railways have now decided that if a casual labour with temporary status dies in harness, i.e. during his employment with Railways and if the case presents features constituting extreme hardship, meriting special consideration, the General Manager could exercise his personal discretionary power for giving appointment to eligible and suitable ward of such casual labour on compassionate grounds. It further provides that such appointment will be only in the form of engagement as casual labour (fresh face) or as substitute and Ministry expects this power to be exercised judicially keeping in view in particular the need to contain the total casual labour force as enjoined in the extant instructions on the subject. Since the power to grant compassionate appointment was being exercised against the applicant it was necessary to pass a speaking order showing whether

W. V. Gangal

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the applicant did not fulfil the conditions which were laid down. The order should have indicated the features if any constituting extreme hardship meriting special consideration to exercise discretionary power in the present case was called for or not. Since it was a matter within the jurisdiction of the General Manager the only direction that we can make in the absence of the reasons is to ask the General Manager to consider afresh the case of the applicant within two months and pass an appropriate order after ascertaining whether the applicant is satisfied the requirements of para-5 of letter dt. 31-12-86, Annexure R-1. This be done within two months from the date of communication of this order.

4. The application is disposed of.


(USHA SAVARA)
M(A)


(M.S. DESHPANDE)
VC

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