

(C)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.544/93

Dt. of order: 12.4.94

Hari Prasad : Applicant

Vs.

Union of India & Anr. : Respondents

Mr.R.N.Mathur : Counsel for applicant

CORAM:

Hon'ble Mr.Gopal Krishna, Member(Judl.)

Hon'ble Mr.O.P.Sharma, Member(Adm.).

PER HON'BLE MR.GOPAL KRISHNA, MEMBER(JUDL.).

Applicant Hari Prasad in this application under Sec.19 of the Administrative Tribunals Act, 1985, has sought a direction for his appointment to any Group-D post under the Divisional Railway Manager, Western Railway, Kota, on compassionate basis.

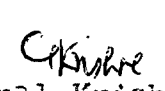
2. We have heard the learned counsel for the applicant and Shri Mahendra Sharma, Sr.Personnel Inspector, departmental representative, on behalf of the respondents.

3. The averments of the applicant are that his father Bheru Lal while holding the post of B.T.M.Fitter at Bayana the under/Chief Signal Inspector, was struck with paralysis as a result of some ailment and in spite of his treatment in the Hospital he could not completely recover and ultimately he was retired from service in 1974 on grounds of Medical Invalidation. He died on 5.10.84 after his retirement. The applicant attained ~~the~~ majority on 5.1.87 and thereafter made several representations from time to time for grant of appointment on compassionate grounds since he is responsible for maintaining the family of the deceased government servant. The family includes, his mother, his wife and a child and it is becoming difficult for him to maintain the same within his meagre means. It is urged on behalf of the applicant that his application for compassionate appointment was wrongfully rejected by the respondents without considering the rules and circulars governing this matter. The respondents have not

controverted the applicant's case by way of filing a reply. The learned Counsel for the applicant has drawn our attention to the representation dated 15.3.93 (Annex.A-1) which has not been disposed of by the respondents till date. In this representation the applicant has raised the ground that an appointment on compassionate basis can be granted to the dependents of an employee who has been retired on grounds of Medical Invalidation.

4. In view of the facts and circumstances stated above, we dispose of the present application with a direction to the respondents to decide the representation made by the applicant on 15.3.93 (Annex.A-1) through a detailed speaking order as per rules and circulars within a period of 2 months from the date of the receipt of a copy of this order. There shall be no order as to costs.


(O.P.Sharma)
Member(A).


(Gopal Krishna)
Member(J).