

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.683/93

Dt. of order: 25.1.1995

Gopal Singh

: Applicant

VS.

Union of India & Ors.

: Respondents

Mr.R.N.Mathur

: Counsel for applicant

Mr.Manish Bhandari

: Counsel for respondents

CORAM:

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

PER HON'BLE MR.O.P.SHARMA, MEMBER(ADM.).

In this application under Sec.19 of the Administrative Tribunals Act, 1985, Shri Gopal Singh has prayed that the respondents may be directed to grant appointment to the applicant on compassionate grounds against handicapped quota in accordance with his educational qualifications.

2. The applicant's case is that his father late Shri Sahib Singh had worked in the Railways for more than 2302 days, from 4.10.71 to 10.2.81, as Mate under IOW(C) at Chittorgarh. He died on 10.2.81 due to illness. At the time of his death, his father was in duty (Annx.A1). The applicant was born on 10.9.69 and he was 11 years old when his father died. The applicant attained majority in September 1987. The applicant is a handicapped person as he is suffering from orthopaedical infirmity in his left hand. On the basis of his disability a concession certificate was issued to him for the purpose of travelling on the Railways. The certificate of medical disability issued by a government hospital is at Annx.A2. The applicant's mother is illiterate and he himself is eldest in his family having 2 younger sisters aged 14 and 12 years respectively. The applicant passed the 10th standard examination in 1987. According to him, he is entitled to appointment on compassionate grounds. The mother of the applicant had also submitted an application to the Chief Engineer(Survey & Construction) W.Bly, pointing out that in 1981 she was asked whether she is willing to get a compassionate appointment or not and she had stated therein that she being illiterate

was not in a position to accept the appointment. However, she had submitted that her son was also minor at that time and may be granted ~~for him~~ an appointment when he becomes major. On becoming major the applicant made an application for appointment on compassionate grounds which was considered by the office of the respondent No.2, ~~xxx~~ the Chief Engineer (Survey & Construction) W.Ply, Jaipur, but no appointment was given. The applicant has given in this application details of the further correspondents carried out with various authorities in this regard and the information submitted regarding his educational qualifications etc. were called for. According to the applicant his family is in extreme need of employment and the only bread winner in his family was his father who expired in 1987 ^{while} ~~on~~ duty.

3. The respondents in their reply have stated that the applicant is the son of late Shri Sahib Singh, who was employed on a daily rated basis. According to the policy laid down by the Railways he is not entitled to appointment on compassionate grounds. However, the applicant can apply for appointment in handicapped quota whenever a notification is issued for such appointments.

4. The learned counsel for the parties have been heard and the records have been gone through. No direction can be given in this case for consideration of the case of the applicant for appointment on compassionate grounds. However, Annex.A-2 dated 26.10.93, which is a certificate issued by a government Doctor shows that the applicant is suffering from some orthopaedic handicap. In the circumstances, the applicant may make an application to the Railways for appointment on the ground of orthopaedic handicap. If such an application is made by him within one month from today, the respondents shall consider such application on merit in accordance with their rules keeping in view the type of handicap suffered by the applicant, for appointment under the quota for the handicapped, and having regard to the priority list maintained by the Railways.

The eligibility of the applicant for appointment in the category of physically handicapped persons may be determined within a period of 4 months from the date of the receipt of a copy of this order and if he is found eligible for such appointment, the appointment may be offered to him as soon as his turn comes according to his priority.


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