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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,
Jaipur

Date of Decision: 26-9-95

CA No. 128/95 with MA No. 449/95

Shri Mahesh Sawlani S/o Late Shri Rijju Mal Sawlani

.. APPLICANT

VERSUS

Union of India and Others

..RESPONDENTS

CORAM:

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

HON'BLE MR. PATTAN PRAPASH, MEMBER (J)

For Applicant

.. Mr. D.P.Gurg

ORDER

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

In this application under section 19 of the Administrative Tribunal Act, 1985 Shri Mahesh Sawlani has prayed that the respondents may be directed to appoint the applicant in Railway Service on a suitable post, on compassionate ground, keeping in view his educational qualifications.

2. The fact of the case as stated by the applicant are that his date of birth is 1.1.1971 and he was adopted by Late Shri Rijju Mal Jawahar Mal, a Railway Servant who was Helper Group-D under I.O.W. (South), Ajmer, as his son on 25.8.1991. Shri Rijju Mal was a bachelor and he expired on 18.11.1991. The terminal dues of Late Shri Rijju Mal were ordered to be paid to the applicant vide judgement dated 17.7.1993 passed by the District Judge, Ajmer (Ann.A3). In consequence, a payment of Rs. 18,588 was made to the applicant vide Ann.A4 dated 3.2.1994. The payment was made to the applicant in pursuance of an application made by him Ann.A7 dated 4.7.1994. The applicant's claim is that he is ^{the} legally adopted son of Late Shri Rijju Mal, who was a Railway Servant and the deceased Railway Servant's

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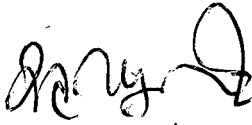
family has no source of income and is in great distress.

On 1.10.1993 the applicant submitted an application (Ann.A1) to the Railway Authorities seeking employment on compassionate ground, enclosing Succession Certificate and a certificate of his educational qualifications. The respondents have not acknowledged much less send any reply to the applicant despite a passage of 10 months. The applicant also sent a notice for demand of justice dated 14.8.94 (Ann.A2) through his counsel praying for his appointment on compassionate ground on a suitable post. This has also been of no avail. The applicant claims that he has passed B.Sc. part III during 1994 and is entitled to appointment on compassionate ground.

3. We have heard the learned counsel for the applicant and gone through the material presented alongwith MA No. 449/95 filed subsequently to the filing of the OA. The learned counsel for the applicant has prayed that since the respondents have sent no reply to the applicant's representation and also the notice for demand of justice for employment on compassionate ground, the respondents may simply be directed to take a decision on merits on the representation and the notice for demand of justice sent by the applicant. Accordingly, we direct respondents Nos. 2 and 3 i.e. Divisional Railway Manager, Western Railway, Ajmer and Divisional Personnel Officer, Western Railway, Ajmer to take a decision on the representation and the notice for demand of justice sent by the applicant seeking appointment on compassionate ground, on merits, within a period of 4 months from the date of receipt of a copy of this order. Let a copy of the paper book containing Ann. A1 and A2 purporting to the representation made by the applicant and the notice for demand of justice sent by the applicant be sent to respondents 2 and 3 for necessary action.

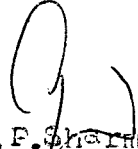
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4. The OA is disposed of accordingly at the admission stage. The MA No. 119/95 also stands disposed of.



(Rattan Prakash)

Member(J)



(C.F. Sharma)

Member(A)