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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 11.7.2000

OA 27/99

Narain Lal Chaudhary s/o Late Shri Deva Jat, r/o School Ni dhani, Phulera Kanchroda, Distt. Jaipur.

... Applicant

v/s.

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Rly. Manager, Western Railway, Jaipur.

... Respondents

CORAM:

HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. S. BAPU, ADMINISTRATIVE MEMBER

For the Applicant ... Mr. P. P. Mathur

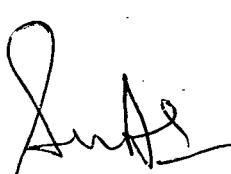
For the Respondents ... Mr. B. N. Sharma

O R D E R

(PER HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER)

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicant makes a prayer to direct the respondents to consider the name of the applicant for compassionate appointment by giving him second opportunity to appear in the tests on the basis of circular dated 8.9.92 on Group-C and also in Group-D post.

2. Admittedly, the father of the applicant expired on 31.12.95 and the applicant was called for appearing in the written test for appointment on compassionate grounds on group-C post. The applicant appeared in the said test but was not successful. It is also an admitted fact that the applicant was offered a Group-D post on compassionate grounds but he declined to accept the same. The learned counsel for the applicant argued that the respondents have denied the applicant to give second opportunity for appearing in the examination for appointment on Group-C post, whereas the circular dated 8.9.92 empowers the departmental authorities to give a second opportunity to the applicant for appearing in the test. Although the applicant made representation for giving second opportunity to him for appearing in the test but the same was denied. It is not the case of the department that the applicant



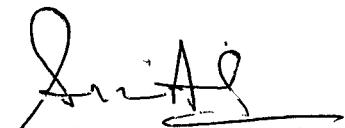
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was not found suitable for consideration for appointment on compassionate grounds. In other words, the applicant was given first opportunity to appear in the test by considering him suitable for appointment on compassionate grounds on Group-C post but unfortunately the applicant was not successful. Therefore, looking to the facts and circumstances of this case and position of the applicant, it is just and equitable to provide second opportunity to the applicant for appearing in the test, which is also provided under the rules.

3. We, therefore, allow this application and direct the respondents to allow the applicant a second opportunity for appearing in the test for appointment on compassionate grounds on Group-C post, within a period of three months from the date of receipt of a copy of this order. No order as to costs.

  
(S. BAPU)  
MEMBER (A)

  
(S. K. AGARWAL)  
MEMBER (J)