

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.446/99

Date of order: 02.05.2001

M.A.No.293/99

Ramdeo Meena, S/o Sh.Gyadilal Meena, R/o Vill.Dantli,
Tehsil Sanganer, Distt.Jaipur.

...Applicant.

Vs.

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

...Respondents.

Mr.P.C.Swamy) - Counsel for applicant

Mr.D.K.Swamy)

Mr.R.G.Gupta - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member.

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

In this O.A under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to consider the son of the applicant for appointment on compassionate grounds and quash the impugned order by which the applicant was refused to appoint his son on compassionate grounds. The applicant also prayed that the orders dated 13.11.95 and 22.11.95 be quashed and set aside being illegal and allow the applicant to continue in service.

2. Undisputedly the applicant was medically declassified vide order dated 22.11.95. It is also an undisputed fact that no alternate appointment was made available to the applicant after he was medically declassified. The order dated 2.4.97 (Annex.A1) only states that the case for appointment on compassionate grounds to the son of the applicant was

Suraj

presented before the competent authority, i.e. General Manager, who did not permit the son of the applicant for appointment on compassionate grounds. No reasons of refusal/denial of appointment on compassionate ground to the son of the applicant have been recorded in the order dated 2.4.97. Even in the reply filed by the respondents' department no reasons have been stated as to why the competent authority did not find the son of the applicant fit/suitable for appointment on compassionate grounds.

3. The whole object of providing appointment on compassionate grounds is to enable the family to tide over the sudden crisis.

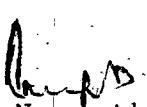
4. In Umesh Kumar Nagpal Vs. State of Haryana, 1994(4) SCC 138, a Bench of two Judges has pointed out that the whole object of granting compassionate employment is to enable the family to tide over the sudden crisis and this position was reiterated by the Hon'ble Supreme Court in the later judgments.

5. The respondents' department is under an obligation to examine each case independently and if the circumstances exist in the family then to appoint a person on compassionate grounds but in this case it appears that no reasons are given by the competent authority by denying/refusing appointment to the son of the applicant on compassionate grounds. Therefore, the order passed by the competent authority is a nonspeaking order and the same is not sustainable in law.

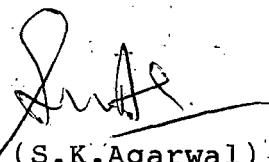
6. In view of the above, we are of the opinion that directions should be given to the respondents's department to examine the case of the applicant independently and to consider the case of the son of the applicant for appointment on compassionate grounds, looking to the circumstances of the family.



7. We, therefore, allow the O.A and direct the respondents to consider the case of the son of the applicant on compassionate grounds within 3 months from the date of receipt of a copy of this order. The other relief sought by the applicant regarding alternate appointment appears to be barred by limitation, therefore, the same cannot be taken into consideration in this O.A. and delay cannot be condoned as the same has not been explained properly by the applicant. With the above directions, the O.A is disposed of with no order as to costs.


(A.P.Nagrath)

Member (A).


(S.K.Agarwal)

Member (J).