

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 412/2002

DATE OF ORDER: 25.9.2003

Miss Pooja Kulshrestha D/o Shri M.K. Kulshrestha, resident of
Railway Bungalow No. 1844-B, Beaware Road, Ajmer.

.... Applicant.

VERSUS

1. The Union of India through The General Manager, Western Railway, Churchgate, Mumbai.
2. The Divisional Railway Manager, Western Railway, Ajmer Division, Ajmer.
3. The Chief Medical Superintendent, Western Railway, Ajmer Division, Ajmer.

.... Respondents.

Mr. P.V. Calla, Counsel for the applicant.

Mr. R.G. Gupta, Counsel for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.K. Ehandari, Member (Administrative)

ORDER (ORAL)

In this OA, the applicant has challenged the order dated 9.6.2000 (Annexure A/1) rejecting the request for compassionate appointment of the applicant mainly on the ground that the order has been passed by the authority, who is not competent to decide the matter. This Tribunal vide order dated 20.11.2002 without hearing the respondents disposed of the matter at admission stage with the direction to the General Manager, Western Railway, Churchgate, Mumbai to consider the request of the applicant for compassionate appointment also keeping in view the ground taken by the applicant that DRM is not a competent authority to decide the matter within three months from the date of receipt of a copy of the order.

2. Thereafter, the respondents have filed Review Application before this Tribunal on the ground that w.e.f. 1.10.2002, new zone has been formed viz. North Western Railway with headquarter at Jaipur and Ajmer Division fall within the newly formed North Western zone and consequently there has been power reshuffle which could not be pleaded before the Hon'ble Tribunal at notice had not been issued to the respondents while passing the order dated 20.11.02.

3. Considering the Review Application of the respondents, this Tribunal allow the Review Application and recall² the order dated 20.11.2002 and the matter was ordered to be placed before the Appropriate Bench for decision.

4. The matter was listed for admission on different dates and notice of this OA was issued to the respondents. The respondents have filed reply ~~whereby~~ justifying their action in disposing of the matter by DRM.

5. We have heard the learned counsel for the parties.

6. We are of the view that the applicant shall make fresh representation to the General Manager, North-Western Railway, Jaipur within fifteen days from the date of receipt of the copy of this order by Speed Post in order to avoid delay. In that event, the General Manager, North Western Railway, Jaipur shall consider the request of the applicant for ^{appointment on} compassionate ground, as father of the applicant was medically decategorised, ^{also} keeping in view the ground ^{raised} by the applicant that DRM is not competent to decide her case and pass appropriate reasoned order within three months from the date of receipt of the copy of the representation.

7. The OA is accordingly disposed of with no order as to costs.

(A.K. BHANDARI)
MEMBER (A)

(M.L. BHACHAN)
MEMBER (J)