

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH.

Original Application No.177/2003.

Jaipur, this the 11th Day of January, 2005.

CORAM : Hon'ble Mr. M. L. Chauhan, Member (J).

1. Muthuval S/o Mayavan,  
R/o C/o Durai Swami Trollyman(PWI)  
Palsana, Gang Quarters,  
Gang No.33 Pulsana,  
Distt. Sikar (Raj.)
2. M. Arumugam S/o Muthuvel  
R/o Railway Gang Quarters,  
Gang No.33, Palsana,  
Distt. Sikar (Rajasthan).

... Applicants.

By Advocate : Shri Nand Kishore.

Vs.

1. Union of India,  
through General Manager,  
North Western Railway, Hasanpura Road,  
Opposite Railway Hospital,  
Jaipur.
2. Chief Administrative Officer (Construction)  
North Western Railway,  
Hasanpura Road,  
Opposite Railway Hospital,  
Jaipur.

... Respondents.

: O R D E R :

Per M. L. Chauhan, Judicial Member.

The applicant has filed this OA thereby praying  
for the following reliefs :-

"i) It is therefore prayed that by an appropriate order or direction, the Hon'ble Tribunal may kindly call for the entire records, pertaining to the case and after examination, the respondents be directed to consider for appointment on compassionate grounds to the son of applicant No.1 i.e. applicant No.2 as per Railway rules.

ii) Any other directions and orders which is deems proper in the facts and

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circumstances of the case may kindly be allowed to the applicant."

2. Briefly stated, applicant No.1 is the husband of Late Smt. Amardam V, who was working as Female Beldar and died on 13.12.1989. Applicant No.2 is the second son of the deceased Smt. Amardam V. Initially the elder son of the deceased applied for compassionate appointment, now in this OA, prayer has been made for granting compassionate appointment to the second son.

3. Notice of this application was given to the respondents. Respondents have filed reply. In the reply, it has been stated that the case for appointment of applicant No.2 can be processed after having NOC and the appropriate reasons from the elder son of Late Smt. Amardam V. as Shri Mani, the elder son, has earlier applied for appointment on compassionate grounds. Hence in the absence of NOC of the elder son of the deceased, no action can be taken for grant of compassionate appointment on compassionate grounds.

4. The applicant has filed rejoinder. Along with rejoinder, the applicant has also annexed letter dated 16.03.2004 from Shri Mani, whereby he has no objection in favour of his younger brother, named Shri M. Armugam, for the purpose of appointment on compassionate ground. The applicant has also placed on record certain documents as were asked by the Deputy Chief Engineer, North Western Railway, Jaipur, vide

letter dated 04.02.2004 addressed to Sh. Nand Kishore, Learned Counsel for the applicant, by way of MA, which has been taken on record in this OA. Learned counsel for the applicant submits that in view of no objection given by Shri Mani and in the light of documents as asked by the authority vide letter dated 04.02.2004, the case of Applicant No.2 for compassionate appointment can now be considered by the authorities and further argued that he will be satisfied if a direction is given to the competent authorities to consider the case of Applicant No.2 for giving appointment on compassionate grounds within reasonable period.

5. In view of the submission made by learned counsel for the applicant and in view of the stand taken by the respondents in the reply, I am of the view that ends of justice will be met if a direction is given to the respondents to consider the case of the Applicant No.2 for giving appointment on compassionate grounds within a period of six months from today. Accordingly, the OA shall stand disposed of in terms of the observations made herein above, with no order as to costs.

  
(M. L. CHAUHAN)

MEMBER (J)