CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

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Original Application Nos. 269/97, 273/97 and 274/97.

Date of decision : This the Ist day of October,1999.

Hon'ble Mr. Justice D.N.Baruah, Vice-Chairman.

Hon'ble Mr. G.L.Sanglyine, Administraive Member.

O.A. No. 269 of 1997.

Shri Dipankar Paul
Son of Late Kalipada Paul
Railway Quarter No. 260/A
Central Gotanagar,
Malitaon,
Guwahati-781011

By Advocate Mr. N.D.Goswami.

-versus-

Union of India & Ors.

By Advocate Mr. B.K.Sharma, Railway Standing Counsel.

O.A. No. 273 of 1997.

Shri Rupak Borah,
Son of Late Pradip Kr. Bora
Junior Clerk,
Office of the DME/D/NCC
N.F.Railway, Maligaon

By Advocate Mr. D.K.Das.

-versus-

Union of India & Ors.

By Advocate Mr. J.L.Sarkar, Railway Standing Counsel.

O.A. No. 274 of 1997.

Shri Rubul Baruah,
Son of Late Jagat Ch. Baruah
P.A.East Gotanagar,
Qr. No. 73/B,
Guwahati-781011
Kamrup, Assam

By Advocate Mr. D.K.Das.

-versus-

Union of India & Ors.

By Advocate Mr. J.L.Sarkar, Railway Standing Counsel.

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O R D E R

BARUH J.(V.C.).

These three applications involve common questions of law and similar facts. Therefore we propose to dispose of all the three applications by a common order.

Facts are :

The applicants were appointed on compassionate ground on passing away of their earning members. Thereafter they were working under the Railways occupying the same quarters which were allotted to their fathers. It may be so that they are not entitled to the type of quarters which were allotted to the fathers of the applicants. They were allowed to live after appointment for a considerable period and thereafter they have been asked to vcate the quarters by taking recourse to the provisions contained in the Public Premises Act. On earlier occasion also these applicants were directed to vacate the quarters. Being aggrieved the applicant No.1 (O.A. No. 269/97) and applicant No.2 (O.A.No. 273/97) approached this Tribunal and the Tribunal disposed of both the O.A.s with directions to the respondents to consider the case of the applicants. The applicant No. 3 (O.A. 274/97) did not approach at that time. The grievance of the applicants is that their cases were not considered regarding allotment of quarter.

2. In due course the respondents have entered appearance and filed written statement.

3. We have heard both sides.

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4. The appointments were made on compassionate ground at the time when their fathers who were the earning member died in harness. The sole purpose of such appointment is to eke out the problems financially or otherwise after the death of their earning members, so that the family could somehow carry on. It is true that these applicants may not be entitled to the quarters which were allotted to their fathers and now occupying by the applicants. But they are entitled to some sort of quarter even though they were appointed on compassionate grounds. The authority should make endeavour to find for alternative accommodation and with that view the earlier O.A.s were disposed of with direction to consider the case of the applicant. From this point of view, the case of the applicants should have been considered. The averment of the applicants in these application is that they were not considered properly. In paragraph 6 of the written statement it is stated that their cases were considered individually on merit.

5. Considering the facts and circumstances of the case we dispose of these applications with directions to the respondents to consider the case of the applicants taking into consideration of the fact that they were appointed on compassionate ground with the sole idea their families might not be put in difficulty. If they are evicted the families of the applicants would be thrown out on the street. Certainly this has not been contemplated by the Rule making authority. We, therefore direct the respondents to reconsider the matters keeping in mind the reason and the background of

compassionate appointment while consider the matter the authority should not be swayed away on some technical grounds.

6. Considering the facts and circumstances of the case, we however make no order as to costs.

Sd/-VICECHAIRMAN
Sd/MEMBER (A)

trd