

Central Administrative Tribunal
Jabalpur Bench

OA No. 7/05

Jabalpur, this the 15 day of June, 2005.

C O R A M

Hon'ble Mr.Madan Mohan, Judicial Member

Akhilesh Kumar Dwivedi
Son of Kanhaiyalal Dwivedi
R/o Village-Panhawa
Tah.Maihar, Dist.Satna (M.P.)

Applicant

(By advocate Shri S.K.Mishra on behalf of
Shri K.L.Pandey)

Versus

1. Union of India
Through the Secretary
Ministry of Railway
New Delhi.
2. West Central Railway
Head Office
Jabalpur (WCR)
3. General Manager
West Central Railway
Jabalpur (DPO)
Jabalpur.

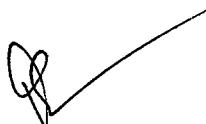
Respondents

(By advocate Shri Ashok Sinha on behalf of
Shri H.B.Shrivastava)

O R D E R

By Madan Mohan, Judicial Member

By filing this OA, the applicant has sought the following
reliefs:



(i) To quash the impugned order Annexure A8 and direct the respondents to provide a job to the applicant as per his qualification on compassionate grounds.

2. The brief facts of the case are that the father of the applicant who was employed as Goods Guard at the Railway Station Jhukehi, District Satna, met with an accident on 13.10.2003 resulting in head injury. The Medical Board found him to be 10% mental disability. Thereafter the father of the applicant applied for voluntary retirement from the department, which was accepted by the respondents. Thereafter, the applicant applied for compassionate appointment. At the time of voluntary retirement, the age of the father of the applicant was 55 years. As the application for compassionate appointment was not considered, the applicant filed an OA No.618/04 before the Tribunal. The Tribunal vide order dated 5.8.04 directed the applicant to submit a representation. Accordingly the applicant submitted a representation which was rejected vide order dated 9.12.04 (Annexure A8). Hence this OA is filed.

3. Heard the learned counsel for both parties. It is argued on behalf of the applicant that the father of the applicant was retired on medical grounds as he was found to be 10% mental disability due to head injury sustained in an accident. Though the applicant moved an application for compassionate appointment, the same was not considered. Therefore, he had earlier approached the Tribunal by filing OA No.618/04 and as per the directions of the Tribunal, the applicant submitted a representation but the representation was rejected by the respondents vide order dated 9.12.04 without considering rules and regulations and the directions of the Tribunal also. Hence the applicant is entitled for the reliefs claimed.

4. In reply, the learned counsel for the respondents argued that the request for voluntary retirement of the applicant's father was unconditional. The father of the applicant has been paid all retiral dues



like GPF, GIS, leave encashment, DCRG, commutation value of pension, and he is being paid monthly pension also. The case of the applicant is not covered by any of the conditions of the rules. No mention of any sickness was made by the railway servant in the application submitted for voluntary retirement. Hence the OA deserves to be dismissed.

5. After hearing the learned counsel on both sides and carefully perusing the records, I find that the father of the applicant had submitted an application for voluntary retirement, which is marked as Annexure R1 in which he has only mentioned that he is continuously serving the department from 19.2.1966 and he has completed 37 years of service and that no disciplinary proceedings are pending against him. Hence he requested that he be retired voluntarily. He has not mentioned any ground of his illness, as alleged by the applicant. I have perused Annexure A8-the impugned order-by which the representation made on behalf of the applicant was rejected. The respondents have mentioned four conditions in para 3 of the impugned order, under which compassionate appointment can be made.

6. Considering all facts and circumstances of the case, I am of the considered opinion that the respondents have neither committed any irregularity nor illegality in passing the impugned order. Hence the OA has no merit. Accordingly, the OA is dismissed. No costs.

(Madan Mohan)
Judicial Member

पृष्ठांकन सं ओ/च्या.....	जललपुर, दि.....
प्रतिक्रिया आवेदिता:-	
(1) राधिका, या व्यापार कार्यालयात योग्य व्यक्तिगत, जललपुर	
(2) आवेदक यांची वैधतिकी नाही, तो या व्यापार कार्यालय	
(3) पायाची योग्यता नाही, तो या व्यापार कार्यालय	
(4) चांदपाता, टेली, अ, इत्युक्त व्यापारी तो या व्यापार कार्यालय	
सचिवां एवं आवायात योग्य तरुण	

K. L. Pandey

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H. R. Shipp, Jr.

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