

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 302 of 2004

Jabalpur, this the 1st day of November, 2004.

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Anup Rai, S/o. late Shri B.S. Rai,
Aged about 25 years, R/o. A-1/109,
Sahu Mohalla, behind Super Market,
Ganjipura, Jabalpur.

.... Applicants

(By Advocate – Shri A. G. Dhande)

V e r s u s

1. Union of India,
through : Secretary, Ministry of
Railways, New Delhi.
2. General Manager,
West Central Railways,
Bhopal.
3. The Divisional Railway Manager,
West Central Railways, Jabalpur.

.... Respondents

(By Advocate – Shri M.N. Banerjee)

O R D E R (Oral)

By M.P. Singh, Vice Chairman –

Heard the learned counsel for the parties and perused the records carefully.

2. By filing this Original Application the applicant has sought the following reliefs :

“(ii) to issue a writ in the nature of mandamus commanding the respondents to issue appointment order on compassionate ground to the applicant by setting aside the letter issued on 20.8.1999 by the respondent No. 3,

(iii) to issue a writ in the nature of mandamus commanding the respondents to obey the directions given in the order dated



21.6.1999 (Annexure A-3) passed by the Hon'ble High Court and the circular dated (Annexure A-2)."

3. The brief facts of the case are that the father of the applicant was working as Assistant Controller of Ticket Inspector with the respondents Railways. He died in harness on 21.1.1993. The applicant has earlier filed an Original Application No. 198/1999 seeking direction for compassionate appointment. The Tribunal while disposing of the said OA vide order dated 21st June, 1999, directed the applicant to make a representation clarifying the respondents' objection and further directed the respondents to decide the said representation. Thereafter, the applicant moved to the Hon'ble High Court by filing WP No. 6/2004. The Hon'ble High Court of Madhya Pradesh vide its order dated 24th February, 2004 has observed that the representation dated 20.8.1999 submitted in compliance of the Tribunal's order dated 21st June, 1999, is still pending for consideration by the respondents. The Hon'ble High Court has directed the applicant to approach the Tribunal for redressal of his grievances. Hence, he has filed this Original Application.

4. During the course of argument the learned counsel for the applicant has submitted that the representation dated 20.8.1999 given by the applicant to the respondents in pursuance of the direction of the Tribunal dated 21st June, 1999, has not yet been decided by the respondents.

5. The learned counsel for the respondents stated that the representation of the applicant has already been decided on 20.8.1999 (Annexure A-2). On the other hand the learned counsel for the applicant stated that this order dated 20.8.1999 (Annexure A-2) has been passed by the respondents earlier and the representation dated 20.8.1999 which has been given in pursuance of the direction given by the Tribunal dated 21st June, 1999 has not yet been decided by the respondents.

6. In the facts and circumstances of the case, we deem it appropriate, that ends of justice would be met, if we direct the applicant to



file a fresh representation within 4 weeks from the date of receipt of a copy of this order. We do so accordingly. If the applicant complies with this, the respondents are directed to consider the said representation of the applicant and also consider this Original Application as a part of the representation and take a decision by passing a speaking, detailed and reasoned order within a period of three months from the date of receipt of such representation from the applicant.

7. Accordingly, the Original Application stands disposed of. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

“SA”

पृष्ठांकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय एवं एसोसिएशन, जबलपुर
- (2) उद्योग वि, डि.सी./एके कार्डसल
- (3) एन.डी.ओ./डी.सी./एके कार्डसल
- (4) कोर्टमन, कोर्टमन, जबलपुर न्यायालय

सूचना एवं आवश्यक कार्यवाही हेतु

उप रजिस्ट्रार

A.R. Sharma
M.N. Bhatnagar

Issued
on 3-11-04
BF