

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 618 of 2004

Jabalpur, this the 5th day of August, 2004

Hon'ble Shri Sarweshwar Jha, Administrative Member
Hon'ble Shri Madan Mohan, Judicial Member

Akhilesh Kumar Dwivedi son of Kanhaiyalal
Dwivedi, aged about 22 years, 8th Pass, R/o.
Village Panhaua, Tehsil Maihar, District
Satna (MP).

... Applicant

(By Advocate - Shri K.L. Pandey)

V e r s u s

1. Union of India, through the
Railway Secretary, New Delhi.

2. West Central Railway, Head
Office, Jabalpur (WCR).

3. General Manager, West Central
Railway, Jabalpur (OPO),
Jabalpur M.P.

... Respondents

O R D E R (ORAL)

By Sarweshwar Jha, Administrative Member -

Heard the learned counsel for the applicant.

2. The learned counsel for the applicant has submitted that the applicant while in service met with an accident on 13.10.2003 and he as well as his other family members were badly injured. The accident also led to the death of his younger brother on the spot and he suffered serious injury to his head and his wife suffered serious injury to her chest and who is undergoing treatment presently. The details of the incident and the subsequent condition of the family members have been given in the representation as submitted to the respondents by the applicant vide his letter placed at Annexure A-5. After this accident, he, not being in a position to work due to ^{his} mental handicap and which was also declared by the Medical Board, he was given voluntary

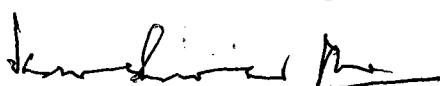
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retirement vide the orders of the respondents dated 29.1.2004. Thereafter, he has requested the respondents vide the said letter to grant appointment on compassionate ground to one of his children. He has not received any reply from the respondents till date.

3. In support of his request, he has referred to the instructions of the Department of Personnel as contained in their office memorandum dated 30th June, 1987, a copy of which is placed at Annexure A-6. The said memorandum provides for compassionate appointment being considered on medical grounds also before attaining the age of 57 years. The applicant has prayed that his case may be considered under these provisions, as he fulfills the conditions as laid down in the said provisions.

4. Having regard to the fact that the applicant has submitted a request to the respondents seeking appointment on compassionate ground ^{being} given to one of his children vide his letter already pending with them and also keeping in view the fact that there is a provision for appointment on compassionate ground being granted to the family members of such a person, we are of the considered opinion that the ends of justice would be met if this Original Application is disposed of at the admission stage itself with a direction to the respondents to consider the case of the applicant sympathetically in accordance with the relevant rules and provisions on the subject, and to pass a speaking and reasoned order within a period of three months from the date of receipt of a copy of this order. Ordered accordingly.


(Madan Mohan)
Judicial Member


(Sarweshwar Jha)
Administrative Member