

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, GWALIOR

Original Application No. 429 of 2003

Gwalior, this the 17th day of July 2003

Hon'ble Shri Kuldip Singh, Judicial Member
Hon'ble Shri Anand Kumar Bhatt, Administrative Member

Sunil Chaskar, S/o. Late Shri
Ramchandra Chaskar, aged 33 years,
R/o Ghanshyam Niwas, House No. 103,
Laxmibai Colony, Near Miss Hills
School, Lashkar, Gwalior (M.P.).

... Applicant

(For Applicant - None)

V e r s u s

1. The Union of India,
Through : The General Manager,
Central Railway Mumbai,
Chhatrapati Shivaji Terminals
(Mumbai) Maharashtra.
2. The Divisional Railway Manager,
Jhansi (U.P.).

... Respondents

O R D E R (Oral)

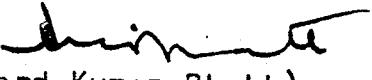
By Kuldip Singh, Judicial Member -

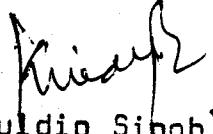
None was present on behalf of the applicant even after repeated calls. Therefore we are deciding this case on merits in terms of Rule 15(1) of Central Administrative Tribunal (Procedure) Rules, 1987.

2. We have gone through the original application and the facts discussed in the same are that the applicant's father died in harness while serving in the Railway. After the death of his father the mother of the applicant was granted appointment on compassionate ground and she served for 15 years and retired on 31st July 1993 as a Senior Clerk on attaining the age of superannuation. Thereafter the applicant filed an original application seeking appointment on compassionate ground that his father has expired and the mother of the applicant has also retired due to superannua-

tion. The said OA was dismissed vide order dated 22/01/1997. Again vide another OA the applicant sought appointment on the ground of sportsmanship and also on compassionate grounds. The said OA was registered vide OA NO. 851/1998 and the same was also dismissed. However it was observed that if the applicant is entitled for any other quota on the ground of his sportsmanship, he has to file an application for appointment as Junior Clerk whenever a vacancy arises or whenever advertisement is made by the respondents and in case his application is rejected for any appointment and if he is aggrieved that his qualifications have not been properly kept in mind by the respondents while considering his application, then only the cause of action may arise to come to this court. The present OA seems to have been filed merely on the basis of the observations made by the applicant. The applicant has not disclosed that the Railways ~~advertisements~~ ^{any} had ~~invited~~ vacancies for any post on the basis of qualifications which the applicant possessed, including the qualification of sportsmanship or if the case of the applicant has been properly considered or not. On the contrary the reading of the original application suggests that the applicant is still hoping another appointment on compassionate ground in Railway which cannot be made available to him.

3. In view of the above, we find that the original application of the applicant is bereft of any merits and the same is liable to be dismissed. Accordingly, we dismiss the Original Application.


(Anand Kumar Bhatt)
Administrative Member


(Kuldip Singh)
Judicial Member

कृष्णकन सं ओ/न्या.....जबलपुर, दि.....
पुस्तिलिखि अन्वे छिन :—

(1) अविद, देवर व्याधालय द्वारा इस्तोरिएशन, जबलपुर
(2) जावेल ब्रेकिंग, यु..... के काउंसल
(3) प्राची देव, यु..... ये काउंसल
(4) बंधपाल, देवरा, जबलपुर न्यायपीठ

सूचना एवं आवश्यक कार्यदाही देतु

S. Chastekar - Guest

Chastekar
उपराजिका 22/7/03

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