

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

8.7.2008

OA 128/2008

Mr. S.C. Sethi, counsel for applicant.

Heard learned counsel for the applicant. The OA stands disposed of, at admission stage itself, by a separate order.


(B.L.KHATRI)
MEMBER (A)


(M.L.CHAUHAN)
MEMBER (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 8th day of July, 2008

ORIGINAL APPLICATION NO.128/2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISTRATIVE MEMBER

Abdul Gani,
Gangman, Engineering Department,
Posted under PWI (North),
Gangapur City,
Kota Division,
West Central Railway.

... Applicant
(By Advocate : Shri S.C.Sethi)

Versus

1. Union of India through
General Manager,
West Central Railway,
Jabalpur (MP).
2. Divisional Railway Manager,
West Central Railway,
Kota.
3. Divisional Engineer,
West Central Railway,
Kota Division,
Kota.
4. Senior Section Engineer (P.Way),
West Central Railway,
Gangapur City,
District Sawai Madhopur.

... Respondents
(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

The applicant has filed this OA thereby praying for the following relief :

- "(A) Respondents may be directed to retire the applicant from service being declared medically invalid to perform all sort of duties and to pay all consequential benefits.
- (B) That the respondents be directed to offer appointment to his son namely Ayub Khan, aged 21 years, on compassionate ground on any "D" category post.
- (C) Respondents be directed to pay the difference of salary to the applicant from the date of IOD i.e. 19.4.2005.
- (D) Cost of application be awarded in favour of applicant."

2. At the outset, it may be stated that the applicant had earlier filed OA 95/2007 praying for almost the same relief. The said OA was disposed of vide order dated 23.5.2007, whereby this Tribunal in operative portion had directed the respondents to take a decision, within a period of two months from the date of receipt of a copy of the order, whether the applicant is fit for the post or he is unfit to hold the post and if so, alternative appointment, if permissible, be given in accordance with rules.

3. Pursuant to the aforesaid order, the applicant was referred to the medical board for medical examination and vide order dated 3.8.2007 (Ann.A/4) the applicant was declared medically unfit. Since the respondents did not proceed further pursuant to Annexure A/4, the applicant has filed this OA thereby praying for the aforesaid relief.

4. Learned counsel for the applicant submitted that during pendency of this OA the respondents have passed a fresh order, whereby the applicant has been retired from service on 20.4.2008 on medical ground. Learned counsel for the applicant further submitted that the only grievance which still survives is regarding engagement of his son on any Group-D post on compassionate grounds as also the payment of

salary to the applicant w.e.f. 25.4.2005 till the date of his retirement. Learned counsel for the applicant further submitted that representation regarding grant of appointment to his son, Ayub, on compassionate grounds has also been made to respondent No.2 vide Annexures A/7 and A/8, which has not been decided so far.

5. We have heard learned counsel for the applicant at admission stage. In view of the subsequent development and the fact that applicant has been retired from service on medical ground, the only grievance which still survives is regarding grant of appointment to the son of the applicant on compassionate grounds as also the payment of salary for the period from 25.4.2005 till the date of his retirement.

6. We are of the view that it will be in the interest of justice if, at this stage, a direction is given to respondent No.2 to consider the matter and pass a fresh order. Accordingly, respondent No.2 is directed to decide the aforesaid issue of the applicant within a period of two months from the date of receipt of a copy of this order. The applicant is directed to make available a copy of this order to respondent No.2 for appropriate order.

7. With these observations, the OA stands disposed of at admission stage itself. No order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)