

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 26.11.2014

OA No. 632/2013

Mr. Shashank Agarwal, Counsel for the applicant.

Mr. Anupam Agarwal, Proxy Counsel for

Mr. M.K.Meena, Counsel for the respondents.

Heard the Ld. counsel for parties.

The OA is disposed of by a separate order on separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

Adm/

OA No. 632/2013

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION No. 632/2013

DATE OF ORDER : 26.11.2014

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

Lala Ram son of Late Shri Chhitar, aged about 29 years, resident of Ward No. 1, Tehsil Newai, District Tonk (Rajasthan).

... Applicant
(By Advocate: Mr. Shashank Agarwal)

Versus

1. Union of India through General Manager, North Western Railway, Jaipur (Rajasthan).
2. The Divisional Railway Manager, Northern Western Railway, Jaipur (Rajasthan).

... Respondents
(By Advocate: Mr. Anupam Agarwal Proxy to Mr. M.K. Meena)

ORDER

PER HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

The applicant has filed the present OA being aggrieved by the rejection order passed by respondent no. 2 on his representation dated 25.09.2007 vide which his prayer for appointment on compassionate grounds has been rejected by respondent no. 2.

2. Heard the learned counsel for the parties and perused the documents on record. The learned counsel for the applicant submitted that the father of the applicant, who was an employee of the respondent department, died on 23.03.1986. The applicant was two years old at the time of the death of his

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father. The mother of the applicant, who was receiving family pension, also died on 10.01.1993. Thus the applicant lost both his parents while he was still less than ten years old. The applicant suffered a great hardship and distress. He is totally unemployed person and he was brought up by his uncle. He applied for appointment on compassionate grounds in 2007 though he attained the age of majority in 2002. The learned counsel for the applicant argued that the General Manager of the concerned Railway is empowered to give relaxation in such cases but the applicant's case has been decided by the DRM and not by the General Manager. Therefore, he submitted that respondent no. 1 i.e. General Manager be directed to reconsider the applicant's case sympathetically.

3. On the other hand, the learned proxy counsel appearing on behalf of the learned counsel for the respondents submitted that the applicant has filed the present OA after inordinate delay. The applicant moved an application for compassionate appointment in the year 2008 whereas the employee died on 23.03.1986.

4. The learned proxy counsel for the respondents further argued that no application has been moved either by the wife of the deceased or by the son after attaining majority. According to the Scheme, in case the children of deceased employee are minor at the time of death of the employee then on attaining the age of 18 years, he/she can apply for compassionate appointment within a period of two years on attaining the

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majority. According to the applicant, he attained the age of majority in 2002 and he submitted his application for appointment on compassionate grounds in 2008. Since 27 years have already passed after the death of the deceased employee and the family has maintained themselves, therefore, it cannot be said that the family of the deceased is in indigent condition. He argued that the OA has no merit and it should be dismissed with costs.

5. The main ground of the learned counsel for the applicant is that as per the instructions of the Railway Board, the relaxation in time limit for giving appointment on compassionate grounds vests with the General Manager. Since the case of the applicant involves relaxation in time limit for giving appointment on compassionate grounds, therefore, the decision on his representation should have been taken by the General Manager and not by the Divisional Railway Manager. This fact that the power to give relaxation in deserving cases vests with the General Manager has not been disputed by the proxy counsel appearing on behalf of the respondents.

6. I have carefully perused the RBE No. 144/2000 (Annexure A/12) filed by the applicant along with the rejoinder. This circular clearly provides that the power to give relaxation in the cases of applications submitted more than two years after the candidate became major vests with the General Manager, therefore, I am inclined to agree with the arguments of the learned counsel for the applicant that in this particular case, the

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decision on the representation of the applicant for providing appointment on compassionate grounds should have been taken by the General Manager.

7. Therefore, in view of the above discussion, the General Manager, North Western Railway, Jaipur i.e. respondent no. 1 is directed to consider the representation of the applicant dated 25.09.2007 for providing appointment on compassionate grounds afresh by passing a reasoned & speaking order in accordance with the provisions of law expeditiously but in any case not later than a period of three months from the date of receipt of a copy of this order.

8. With these observations & directions, the OA is disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

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