

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **05th** day of **October**, 2018

Present :

Hon'ble Mr. Gokul Chandra Pati, Member-A

Original Application No.330/01026/2018

Mohd. Farha aged about 32 years, S/o Abdul Kamal, R/o 320/1 Dadiyapura, Narayan Bagh Road, Near Jhansi Public School, Jhansi. Elder Brother of Late Mohd. Irshan S/o Abdul Kamal, Ex-Goods Porter worked in the office of respondent No.5.

.....Applicant.

By Advocate –Shri N.P. Singh
Shri Neeraj Singh

VERSUS

1. Union of India represented by the Secretary (Establishment) Railway Board, New Delhi.
2. General Manager (P), North Central Railway, Allahabad.
3. Divisional Railway Manager, North Central Railway, Jhansi (U.P.).
4. Senior Divisional Personnel Officer, (Personnel), North Central Railway, Jhansi (U.P.).
5. Station Manager, North Central Railway, Jhansi (U.P.)

..... Respondents

By Advocate : Shri S.M. Mishra

ORDER

Heard Shri N.P. Singh, counsel for the applicant and Shri S.M. Mishra, counsel for the respondents.

2. In this case representation dated 13.03.2018 (Annexure-A-7) has been rejected by the respondents. Vide order dated 15.05.2018 (Annexure-A-8), the respondents rejected the claim of the applicant for

appointment on compassionate ground after the death of his younger brother in harness.

3. Learned counsel for the applicant has quoted Railway Board circular dated 02.05.1997, which has also been referred by the respondents in the impugned order dated 15.05.2018 (Annexure-A-8) and in para 4.15 of the OA, which states that Railway Authority are required to enquire about the case. It is not clear from the impugned order where the inquiry as per circular dated 02.05.1997 of the Railway Board has been conducted. Learned counsel for the applicant further submitted a copy of the judgment of Hon'ble Rajasthan High Court – Jodhpur in Writ Petition No.8088/2012, in which similar matter has been decided. It is further seen that in the representation dated 13.03.2018, these grounds regarding the inquiry to be conducted as per circular dated 02.05.1997 and reference to the judgment, which has been cited by learned counsel for the applicant are not mentioned. Learned counsel for the respondents submitted that the decision has been taken as per existing guidelines of the Railway Board.

4. In view of the submissions of learned counsel, we feel that no useful purpose will be served to keep this OA pending. Accordingly, the OA is disposed of with liberty to the applicant to prefer a fresh representation enclosing the copy of Railway Board circular dated 02.05.1997 as referred in para 4.15 in the OA and copy of judgment of Hon'ble Rajasthan High Court – Jodhpur or any other order which supports his case before Respondent No.3/ Competent Authority within

a period of 15 days. On receipt of such representation, the Respondent No.3/Competent Authority shall consider the case of the applicant as per rules and dispose of it by passing a reasoned and speaking order as per provision of law within a period of three months from the date of receipt of a certified copy of this order and communicate the decision to the applicant.

5. It is made clear that I have not expressed any opinion on the merits of the case.

6. With these directions, the OA is disposed off at the admission stage itself. No order as to costs.

Member-A

RKM/