

OPEN COURT

**Central Administrative Tribunal, Allahabad Bench,
Allahabad**

Original Application No.330/00626/2018

This the 14th day of September, 2018

Hon'ble Mr. Justice Bharat Bhushan, Member (J)

1. B.K. Srivastava (Aged About 61 years) S/o Late H.P. Srivastava R/o Village Tundali, Near Jain Mandir Tundla, Post – Tundla, Firozabad.

2. Navdeep Srivastava (aged about 31 years) s/o B.K. Srivastava r/o Village Tundali, Near Jain Mandir Tundla, Post Tundla, Firozabad.

..... Applicants

By Advocate: Sri Shakti Singh Dhakray proxy counsel for Sri B.P.Singh Dhakray along with Sri Jitendra Singh Shishodia

Versus

1. Union of India through General Manager, North Central Railway, Subedarganj, Allahabad – 211001.

2. Divisional Railway Manager, Allahabad Division, North Central Railway, Nawab Yusuf Road, Civil Lines, Allahabad (UP).

3. Senior Divisional Operations Manager, Allahabad Division, North Central Railway, Nawab Yusuf Road, Civil Lines, Allahabad (UP).

..... Respondents.

By Advocate:-Sri Arun Kumar Gupta

ORDER

HON'BLE MR. JUSTICE BHARAT BHUSHAN, MEMBER (J)

Heard learned counsel for parties.

2. The applicant was declared medically disabled during his service period in the year 2014. He said to have moved several representations seeking voluntary retirement under medically disabled de-categorisation which was not accepted by the respondents. Respondents asked the applicant to work on different position in their wisdom.

3. Dispute arose between the department and the applicant which resulted in institution of Original Application (O.A.) No. 330/00633/2018, 330/00634/2018 and O.A. No. 330/00626/2018.

4. O.A. No. 330/00633/2018 was decided on 9th July, 2018 by a bench of this Tribunal wherein Division bench of this Tribunal gave following directions:-

"In the circumstances, we are unable to accept the prayers at sub-para A and B of the O.A. since we do not find adequate justification to interfere with the impugned orders dated.2017 and 17.8.2017. Hence, the O.A. is disposed of with a direction to the respondents to consider and dispose of the applicant's representations dated 25.8.2017 (Annexure A-15) and dated 25/26.2.2018 (Annexure A-17) in accordance with the extant rules and guidelines of the Government (in case these are still pending) and also to consider sanction of medical leave for the period from 1.4.2014 till applicant's retirement as per the rules within a period of three months from the date of receipt of a copy of this order."

5. This Tribunal is now dealing O.A. No. 330/00626/2018, wherein the applicant seeks the following reliefs:-

- A. This Hon'ble Tribunal may graciously be pleased to direct the respondents to appoint the applicant's ward Navdeep Srivastava aged about 31 years (DOB 25-10-1987) on the basis of compassionate grounds covered by the Railway Board circulars and notification issued time to time to secure the ends of justice.
- B. This Hon'ble Tribunal may be pleased to direct the respondents to decide the pending representation dated 25.8.2017 (Annexure A-15) and dated 25/26.2.2018 (Annexure A-17) qua

consideration upon Compassionate Ground at the earliest as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of this case.

C. This Hon'ble Tribunal may be pleased to award the cost of litigation in favour of the applicant.

D. This Hon'ble Tribunal may be pleased to pass consequential and suitable order or orders in favour of the applicant, to which this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

6. Learned counsel for applicant submits that in order to avoid any complication, his claim (B) i.e. respondents may be directed to decide his representations dated 25.8.2017 (Annexure A-15) and dated 25/26.2.2018 (Annexure A-17) for consideration of COMPASSIONATE GROUNDS at the earliest. Learned counsel for applicant submits that his other representation is also pending for consideration before the Department.

7. Learned counsel for respondents has not opposed this request. Therefore, without entering into merit of the case, this Tribunal directs the respondents to decide the representations dated 25.8.2017 (Annexure A-15) and dated 25/26.2.2018 (Annexure A-17) of the applicant within a period of three months from the date of receipt of certified copy of this order. It is made clear that if the representation of the applicant is dismissed or any grievance is still pending, then applicant would be at liberty to file a fresh O.A. for other prayer and consequential claims.

8. With the above observations, O.A. is disposed off. No order as to costs.

(JUSTICE BHARAT BHUSHAN)
MEMBER (J)

HLS/-