

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
(CIRCUIT BENCH AT SHIMLA)**

OA No. 063/01373/2017

... Date of decision- 16.03.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Sh. Balbir Masih S/o Late Sh. David Goodwin, aged 24 years, working as daily wager privately, r/o Vill. Gahloat, P.O. Salogra, Distt. Solan, H.P.

...APPLICANT

Present : Mr. Guna Nand Verma, Advocate.

VERSUS

1. Union of India through the Ministry of Railway, Rail Bhawan 1, Raisina Road, New Delhi.
2. The General Manager, Northern Railway, NDCR Building State Entry Road, New Delhi.
3. The Sr. D.P.O. (Varisht Karmik Officer) Northern Railway Ambala Cantt. Ambala Haryana.
4. The Assistant Engineer, Northern Railway, Shimla.

...RESPONDENTS

ORDER (ORAL)

...

SANJEEV KAUSHIK, MEMBER (J):-

The present Original Application has been filed by the applicant seeks direction to the respondents to consider his case for compassionate appointment.

2. Learned counsel for the applicant argues that his case for appointment under the compassionate scheme was deferred as the applicant was not having qualification for the post. He was advised to make his claim after having matriculation. He argues that since, the applicant has passed his metric standard in 2016, thereafter he submitted his claim, which has not been decided by the respondents. Therefore, he requested that direction be issued to the respondents to decide his claim.

3. Issue notice to the respondents.

4. Ms. Shubh Mahajan, Advocate, puts in appearance on behalf of respondent no.1 and Mr. Rahul Mahajan, Advocate puts in appearance on behalf of respondents no.2 to 4, accept notice on their behalf. They do not object the prayer of the applicant to the disposal of OA, with a direction to decide his representation on pending claim.

5. Considering the ad-idem between the parties, and without going into the merit of the case, we dispose of the present O.A with a direction to the competent authority, amongst the respondents, to decide pending representation of the applicant for appointment on compassionate ground in terms of the policy of the department. Let the above exercise, be carried out within a period of two months, from the date of receipt of a certified copy of the order. Order so passed be duly communicated to the applicant.

6. The disposal of OA may not be construed as an opinion on the merit of the case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 16.03.2018.

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