

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTING : INDORE

Original Application No.201/00245/2018

Indore, this Friday, the 16th day of March, 2018

HON'BLE SHRI UDAY KUMAR VARMA, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Ashif Khan, Aged about 31 years,
S/o Late Shri Akbar Khan, Occupation: Nil,
R/o Julah Mohalla, Baghana Neemuch,
District, Neemuch (MP), Pin No.

-Applicant

(By Advocate-Shri Manoj Manav)

V e r s u s

1. Union of India,
through Secretary,
Indian Railway,
Sansad Marg,
New Delhi-110001

2. Western Railway,
Through its General Manager,
Church Gate, Mumbai-400020

3. Divisional Railway Manager,
Ratlam Division,
Ratlam (M.P.)(457001)

4. Ashfaq Khan,
S/o Shri Akbar Khan,
Age-23 years,
Occupation-Service,
R/o Julah Mohalla, Baghana
Neemuch, District,
Neemuch (MP), Pin No.458441

- Respondent

O R D E R (Oral)**By Uday Kumar Varma, AM:-**

Interalia, it is argued that the applicant (Ashif Khan) who is the son of second widow of the deceased employee i.e. Akbar Khan. has made an application for compassionate appointment on 31.05.2015 through his mother. He further submitted that he has acquired a succession certificate in his favour. It is further contended that in the meantime the respondents have given compassionate appointment to one Ashfaq Khan who is the son of the first wife of the deceased employee. It is argued that the circular of Ministry of Railways bearing RBE No.1/1992 dated 02.01.1992 which stipulates that “appointment of compassionate grounds to the second widow and her children are not to be considered unless the administration has permitted the second marriage, in special circumstances”, stands quashed by the Hon’ble Apex Court and therefore, he is entitled for consideration for appointment on compassionate grounds.

2. It is further prayed that the respondents may be directed to take a decision on his representation dated 31.05.2015 in a time bound manner.

3. Given the nature of prayer, there is no need to issue notices to respondents at this stage.

4. Respondent No.3 Divisional Railway Manager, Ratlam Division, is hereby directed to consider and decide the representation dated 31.05.2015 submitted by the applicant by passing a speaking and reasoned order.

5. The counsel for the applicant seeks permission to file a supplementary representation also wherein he wishes to mention the judicial pronouncement in his favour. He is permitted to do so. On such supplementary representation being filed, within 15 days from today, the respondent No.3 is directed to take the same also in consideration and pass a reasoned speaking order within three months from the date of receipt of a certified copy of this order.

6. It may be added that the above direction does not in any way reflect our opinion on the merits of the case.

7. Original Application is disposed off accordingly.

**(Ramesh Singh Thakur)
Judicial Member**

**(Uday Kumar Varma)
Administrative Member**

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