

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Monday 24th day of December Two Thousand And Eighteen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/1690/2018

P. Senthilkumar,
S/o. Late R. Perumal,
No. 183/3, Sounthar Nagar,
No. 229, Melamaiyur Village,
Chengalpattu TK,
Kanchipuram District.

....Applicant

(By Advocate: M/s. N. Jeevan Ram)

Versus

1. Union of India,
Rep by its Divisional Railway Manager,
Chennai Division, Southern Railway,
Chennai- 600 003;
2. The Senior Divisional Personnel Officer,
Chennai Division, Southern Railway,
Chennai- 600 003.

...Respondents

(By Advocate:)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. Applicant has filed this O.A. seeking the following reliefs:-

“(i) hold and declare that the applicant is entitled to appointment on compassionate grounds on account of the death of his father;

(ii) That this Hon’ble Court be pleased to quash the impugned letter dated 27.06.2018 from the 1st respondent;

(iii) That this Hon’ble Court be please to direct the respondents to give suitable appointment to the applicant on compassionate grounds on account of the death of his father.”

2. The grievance of the applicant is that his application for compassionate appointment had been rejected by Annexure-A/13 communication dated 27.06.2018 in which it was stated that “the dependants of employees, who dies in harness, do not have any special claim or right to employment. Therefore, the claim for compassionate appointment is traceable only to the scheme framed by the employer for such employment and there is no right whatsoever for such employment and there is no right whatsoever outside such scheme. Compassionate appointment is a matter of policy of the employer and the employer cannot be compelled to provide compassionate ground appointment contrary to its policy/scheme.” Further, it is stated that the competent authority had carefully considered the applicant’s request in the light of the Railway Board instructions and passed an order that there

were no pressing obligations to offer compassionate ground appointment. However, it is not clarified how the competent authority arrived at such a conclusion as the order is nonspeaking.

3. I have considered the matter. As the impugned order has been passed without explaining the manner of arriving at the decision or the facts that went into the conclusion by the competent authority that there was no pressing obligation to offer compassionate appointment, I am of the view that this OA could be disposed of with a direction to the competent authority to pass a reasoned and speaking order indicating the details of facts collected, the manner in which matter was considered and how the applicant was found to be less deserving for compassionate appointment than persons whose cases were considered favourably during the relevant years within a period of two months from the date of receipt of a copy of this order.

4. OA is disposed of with the above direction. No costs.

(R. RAMANUJAM)
MEMBER (A)

24.12.2018

Asvs.