

**Central Administrative Tribunal
Principal Bench**

OA No. 1378/2019

MA No. 1520/2019

MA No. 2550/2019

New Delhi this the 8th day of August, 2019

Hon'ble Ms. Nita Chowdhury, Member (A)

1. Kamala W/o late Sh. Netram,
Age 55 years,
2. Jaspal S/o late Sh. Netram,
Both are the R/o Vill. Daudbagh,
Post Devapur, Distt. Muradabad, UP - Applicants

(By Advocate: Mr. U. Srivastava)

VERSUS

1. Union of India through
General Manager,
Northern Railway, New Delhi
2. The Divisional Railway Manager,
Northern Railway, Muradabad
3. The Senior Section Engineer (P.Way)
Northern Railway, Hapur - Respondents

(By Advocate: Mr. Krishna Kant Sharma)

ORDER (Oral)

MA No. 2550/2019 for joining together is allowed
for the reasons recorded therein.

2. The applicants have filed this OA, seeking the
following reliefs:-

“(a) Directing the respondents to place the relevant
records pertaining to the present OA before

their Lordships for the proper adjudication in the matter, in the interest of justice.

- (b) Declaring the actions of the respondents declining the request of the applicant for grant of compassionate ground appointment after quashing and setting aside the impugned order dated 23.12.2016 (Annexure A/1) issued by the respondent authority is as illegal, biased, perverse, unjust, arbitrary, malafide, unconstitutional, against the principles of natural justice, violative of articles 14, 16&21 of the constitution of India and against the mandatory provision of law.
- (c) Directing the respondents to consider and finalize the request of the applicant no.1 for grant of compassionate appointment for applicant no.2 in place of his father, the deceased Railway employee on Group D post pending in the shape of detailed appeal/representations dated 27.02.2017 (Annexure A/6) and 10.12.2018 (Annexure A/8) with in some stipulated period in the interest of justice.
- (d) Allowing the OA of the applicants with all other consequential benefits and costs.
- (e) Any other fit and proper relief may also be granted to the applicants.”

2. When MA No. 1520/2019 for condonation of delay is taken up, it is noticed that this matter pertains to compassionate appointment. There is no reason for filing such application for condonation of delay as there is no limit on the number of times a person can apply for compassionate appointment as per DoPT OM No.14014/02/2012-Estt.(D) dated 16.01.2013. We have also perused the OA and found that the applicant has

not filed a complete application for the appointment on compassionate grounds before filing of the OA and COD. Hence, this OA could not be entertained unless the applicant had availed of all the remedies available to him under the relevant service rules as to redressal of grievances under Section 20 of the AT Act, 1985. In view of the same, the OA is dismissed. No costs.

(Nita Chowdhury)
Member (A)

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