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CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No. 592/2017

Date of Decision:- 09.07.2019

CORAM: RAVINDER KAUR, MEMBER (J)

Dinkar Shataram Jadhav
Residing at Anandwadi,
A, 28 Katemanivali,
Kalyan, Tal. Kalyan,
District - Thane 421206

Applicant

(By Advocate Shri R. K. Singh)

VERSUS

1. Union of India
Through the General Manager
Central Railway Head Quarter,
CST , Mumbai-400 001.
2. The Divisional Railway Manager (P) BB,
Central Railway Head Quarter,
Mumbai Division, CST,
Mumbai-400 001
3. The Divisional Railway Manager
Central Railway,
Head Quarters Office, CST,
Mumbai-400 001 ... ***Respondents***

(By Advocate Ms. Sangeeta Yadav)

ORDER(ORAL)

This application has been filed under
Section 19 of the Administrative Tribunals Act,
1985 seeking the following reliefs:

"a) This Hon'ble CAT Bench be pleased to pass an
order in favour of the Applicant and pleased to quash
and set aside the order dated 22.03.2004 passed by

Hon'ble Divisional Railway Manager Mumbai, C.S.T. and direct to the Respondents have to consider the compassionate appointment of Applicant forthwith in the interest of justice and good conscience.

(b) Cost of this original application be provided for;

(c) Any other and further relief, order as this Hon'ble Tribunal may deem fit and proper in the interest of the justice."

2. I have heard learned counsels for both the parties and have carefully considered the facts and circumstances, law points and rival contentions in the case.

3. Deceased Shri Shataram Bhikaji Jadhav was employed with Central Railway, Mumbai Division as Khalasi and expired while in service on 24.07.1980. At that time, age of present applicant was just four months as he was born on 23.03.1980. Mother of the applicant remarried after the death of the deceased employee. The applicant remained in the custody of his grandmother. She being the guardian of the applicant applied for appointment on compassionate grounds vide letter dated 09.08.1993 when the applicant was just 13 years old. Vide letter dated 21.10.1993 (Annex A-4), the respondents registered the case of the applicant at Sr No. 2772 for appointment on compassionate grounds and advised the

grandmother of the applicant to apply for his appointment as soon as he becomes major ie. When he attains the age of 18 years and therefore his case will be considered as per the rules prevailing at that time. Therefore, after attaining majority, the applicant applied for appointment on compassionate grounds vide letter dated 12.09.2003 which was rejected by the respondents vide letter dated 22.09.2004 (Annex A-1) on the grounds that as per extent rules, his case could not be considered as after the death of his father, the mother had remarried. Learned counsel for the respondents has submitted that this order is based on the Railway Board's Letter (internal communication) dated 10.05.2004 (Annex R-1) as well as on the basis of Railway Board Letter dated 16/18.07.2001 (Annex R-2).

4. Ld. counsel for the respondents has submitted that the applicant did not challenge the order dated 22.09.2004 within the period of limitation but instead moved another application dated 28.08.2012 for appointment on compassionate grounds.

5. Learned counsel for applicant has

submitted that his said representation has not been decided till date. Learned counsel for the applicant brought to the notice of the Tribunal that as per internal communication of the respondents dated 23.08.2005(annex A-5) , the DRM(P) CSTM addressed to CPO(HQ), it was observed that the applicant was left behind by his mother ie. widow of the deceased employee, with his grandmother in orphan stage and got remarried. The applicant was brought up by his grandmother and family pension was also awarded to him and it was considered that the applicant remained in need of compassionate appointment. Therefore, the request was made to review his case. It is also observed in this letter that the applicant belongs to SC community and therefore he be given sympathetic consideration as a welfare measure towards the downtrodden community. However, what transpired thereafter has not been brought on record either by the applicant or by the respondents. It is thereafter in 2012 the applicant approached the respondents for appointment on compassionate grounds vide letter dated 28.08.2012 which has not been replied.

6. The applicant filed appeal dated 28.08.2012 with DRM(P), Welfare and Personnel Dept., Central Railway i.e. Respondent no. 2 but the same has not been considered till date. Respondents in their reply have not denied this fact.

7. In the circumstances, it would meet the ends of justice, if necessary directions are issued to the Respondent no. 2. Thus, Respondent no. 2 is directed to dispose of the appeal dated 28.08.2012 vide a reasoned and speaking order within a period of 8 weeks from the date of receipt of certified copy of this order and to communicate the order so passed to the applicant within one week thereafter. With these directions, the OA stands disposed off. No order as to costs.

(Ravinder Kaur)
Member(J)

gm.

SD
16/8/12

