

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/1195/2016

Hyderabad, this the 14th day of February, 2020



Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

1. K. Suresh Kumar, S/o. late K. Venkata Ramana,
Aged 21 years, R/o. 13-1-62-1,
Beripally Colony, Kadiri, Anathapur – 515 591.
2. K. Lakshmi Devi, W/o. late Sri Venkat Ramana,
Aged 46 years, R/o. 13-1-62-1,
Beripally Colony, Kadiri, Anathapur – 515 591.

... Applicants

(By Advocate: Sri P. Sudheer Rao, proxy counsel
representing Mrs. K. Udaya Sri)

Vs.

1. The Union of India, Rep. by its General Manager,
South Central Railway (SCR),
Secunderabad, Rail Nilayam.
2. The Divisional Railway Manager,
South Central Railway (SCR), Guntakal.
3. The Additional Divisional Railway Manager,
South Central Railway (SCR), Guntakal.
4. The Senior Divisional Personnel Officer,
South Central Railway (SCR), Guntakal.
5. The Divisional Personnel Officer,
South Central Railway (SCR), Guntakal.
6. The Additional Personnel Officer,
South Central Railway (SCR), Guntakal.

... Respondents

(By Advocate: Mr. R. Mahanthi, learned proxy counsel
representing Mr. M. Brahma Reddy, SC for Railways)

ORDER (ORAL)
{As per B.V. Sudhakar, Member (Admn.)}

2. OA is filed in regard to considering the applicant for compassionate appointment.



3. Brief facts are that the 1st applicant has applied for compassionate appointment vide lr. dated 20.3.2013, on the death of his father while working for the respondents as Senior Gangman on 14.8.2005. District Legal Authorities have declared that the 1st applicant and his mother ie 2nd applicant are entitled to receive pension. The representation made on 20.3.2013 for compassionate appointment has not been disposed till date. Aggrieved OA has been filed.

4. The contentions of the 1st applicant is that he has the requisite qualifications and his family is in financial crisis. Despite there being vacancies and several representations being made his case not being considered for compassionate appointment is illegal and arbitrary.

5. Respondents in their reply statement have stated that the 1st applicant was not the son of the deceased employee and that he was born to the 2nd applicant through wed lock with her first husband on 28.1.2004 prior to her marriage with the deceased employee on 18.12.2004. Respondents claim that this fact was not brought to the notice of Lok Adalat. Even the 2nd applicant declared that she had a male child before 2nd marriage. 2nd applicant has not taken legal divorce from her first husband.

Representations made were replied to. Besides, there were married daughters through the first marriage of the deceased employee who have a stake for compassionate appointment. Respondents relied on Hon'ble Supreme Court judgments to assert that compassionate appointment cannot be claimed as a matter of right.



6. Heard both the counsel and perused the pleadings on record.

7. I) Applicant's father died while working for the respondents. The 2nd applicant was married to the deceased employee after the death of his first wife. Respondents have granted pension to the mother of the applicant on 29.9.2006 (Annexure -V) in pursuance of the award passed by Lok Adalat based on a conciliation between contesting parties (XVI). 2nd applicant made a request for compassionate appointment which was turned down as she was receiving family pension and that married daughters through first marriage of the deceased employee were available. Respondents assert that the claim for compassionate appointment by the 1st applicant is 10 years old and hence is barred by limitation. However, the representation dated 20.3.2013 requesting to provide for compassionate appointment to her son by the 2nd applicant who has now become a major is yet to be disposed. In this regard it is to be adduced that though there is a time lapse of 10 years since the death of the deceased employee, but yet the fact remains that the 1st applicant could seek compassionate appointment only after he becomes a major. DOPT rules permit consideration of compassionate appointment once a minor ward of a deceased employee becomes a major. Hence the contention that it is a time barred case does not

hold good. Besides, there is no right to claim for compassionate appointment as claimed by the respondents by citing Hon'ble Supreme Court Judgments but yet one cannot be denied the right to be considered for appointment.



II) Ld. counsel for the applicant prayed for disposal of the representation dated 20.3.2013. After, hearing both the sides, interest of justice will be served by directing the respondents to dispose of the representation in accordance with extent rules and as per law by issuing a speaking and reasoned order within a period of 8 weeks from the date of receipt of a copy of this order. Accordingly, respondents are directed. No costs.

With the above direction the OA is disposed of with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

/evr/