

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD



OA/021/00744/2019  
Date of Order : 22-11-2019

Between :

M. Swaroopa D/o Late Sri Pochaiah,  
Aged about years, Occ : Unemployee, Gr. 'C',  
H.No.4-11-260/2, Ambedkar Nagar Colony,  
Ramayyaguda (V), Vikarabad.

....Applicant

And

1. Union of India Rep by its General Manager,  
3<sup>rd</sup> Floor, Rail Nilayam, South Central Railway,  
Secunderabad.
2. The Chief Personnel Officer,  
4<sup>th</sup> Floor, Rail Nilayam, South Central Railway,  
Secunderabad.
3. The Divisional Railway Manager,  
Secundrabad division, Sanchalan Bhavan,  
South Central Railway, Secunderabad.
4. The Senior Personnel Officer,  
Secundrabad division, Sanchalan Bhavan,  
South Central Railway, Secunderabad.

....Respondents

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Counsel for the Applicant : Mr.B.Laxman

Counsel for the Respondents : Mrs.A.P.Lakshmi, SC for Rlys

OA/021/00744/2019

CORAM :

THE HON'BLE MR. S.N.TERDAL : JUDICIAL MEMBER



(Oral Order per Hon'ble Mr.S.N.Terdal,Judicial Member)

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Heard Mr. B. Laxman, learned counsel appearing for the applicant  
and Mrs. A. P. Lakshmi, learned Standing Counsel for the Respondents.

2. The relief prayed for in this OA is as follows :

“(a) To call for the records pertaining to the impugned Order No.SCR/P-SC/122/ACG/A88/2011 dated 29.07.2019 of the 3<sup>rd</sup> Respondent rejecting the case of the Applicant for compassionate Grounds Appointment to a Divorced daughter of the deceased official, without considering the averment made by the Applicant in spite of establishing that she is eligible for the compassionate Grounds Appointment and without considering the rules and Railway Board Circulars relief on by the Applicant, declaring the same as arbitrary, illegal unwarranted, misconceived and violation of Article 14 and 16 of the Constitution of India ;

(b) To set asides the impugned Order No. SCR/P-SC/122/ACG/A88/2011 daed 29.07.2019 issued by the 3<sup>rd</sup> Respondent and DRM/SC Order No.SCR/P-SC/122/ACG/188/2011 DATED 18.11.2011 rejecting the case of the Applicant for Compassionate Grounds Appointment to the Divorced daughter of

OA/021/00744/2019

the deceased official, without considering Railway Board's Circulars declaring the same as arbitrary, illegal, unwarranted,



misconceived and violation of Article 14 and 16 of the Constitution of India;

(c) To direct the Respondents to consider the case of the Applicant for Compassionate Grounds Appointment of Divorced daughter of the deceased under Compassionate Grounds Scheme; with all consequential benefits; and be pleased to pass such other order or orders as the Hon'ble Tribunal may deemed fit and proper in the facts and circumstances of the case and in the interest of justice. “

3. The relevant facts of the case are that that the father of the applicant died in harness in the year 2010. He had two daughters. The applicant was married when she was only 13 years of age and her married life came to an ends by a customary divorce in the year 2005 and legally by judicial divorce, ordered in the year 2015. In the year 2008, while giving declaration, the father of the applicant has stated that she is dependent and living with him as his dependant. The wife of the deceased employee died in the year 2005. After the death of the father, the retiral benefits were also paid. After considering her case for

OA/021/00744/2019

compassionate appointment in the year 2011, the DRM recorded as follows :



“Gone through the case. The deceased employee’s wife was predeceased. The married daughter in which compassionate ground appointment is sought by another married daughter was not dependant on the deceased employee nor is she bread winner of the bereaved family. She is already working as nurse. Moreover, financial status of the family is not in dire straits as the family is having pucca house and agricultural land at Vikarabad. In view of the above, I don’t find enough merit in the case for recommending to General Manager for Compassionate Ground appointment”.

4. Thereafter the applicant made representation once again through the South Central Railway Mazdoor Union on 27.04.2016 and 14.07.2017. The applicant had also made representation through Member of Parliament in the year 2014. On the basis of her representations, the concerned Social and Welfare Inspector reinvestigated the case with the advice of the Senior DPO and submitted another report on 10.12.2018. As per the said report there is no change in the financial condition of the applicant. She has been working as a Nurse in a private

OA/021/00744/2019

hospital on temporary basis for a meagre amount of Rs.2,500/- per month. From the perusal of the impugned order dated 29.07.2019, it



seems that as though the concerned authority has not considered the present situation ie the financial condition of the applicant and it seems they have not even considered the above referred report of the Social Welfare Inspector of 2018, but only reiterating the orders passed by the General Managers in the years 2012 and 2014.

5. In view of the facts and circumstances narrated above, the impugned order dated 29-07-2019 is set aside and the Respondents are directed to reconsider the case of the applicant as per Rules within a period of two months from the date of receipt of certified copy of this order.

6. No order as to costs.

(S.N.TERDAL)  
JUDICIAL MEMBER

Dated : 22<sup>nd</sup> November, 2019.  
Dictated in Open Court.

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