

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD



OA/020/00386/2019  
Date of Order : 22-11-2019

Between :

Smt.T.Nagalakshmi,Aged about 39 years,  
W/o Late K.Narasimha Murthy, Group-C,  
Ex-Peon/ADEN/O/Dhone,  
R/o Door No.4/47, Sudharshan Colony,  
Dhone-518222, Kurnool, Andhra Pradesh.

....Applicant

And

1. Union of India represented by  
The General Manager,  
South Central Railway, Rail Nilayam,  
Secunderabad.
2. The Chief Personnel Officer,  
South Central Railway, Rail Nilayam,  
Secunderabad.
3. The Divisional Railway Manager,  
South Central Railway, Guntakal Division,  
Guntakal, Anantapur Dist. (A.P).
4. The Sr. Divisional Personnel Officer,  
South Central Railway, Guntakal Division,  
Guntakal, Anantapur Dist. (A.P).

....Respondents

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Counsel for the Applicant : Mrs. Rachna Kumari

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



CORAM :

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

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

The relief prayed for in the OA is as follows : -

“It is respectfully prayed that the Hon'ble Tribunal may be please :

- (a) To call for the record and set aside the impugned order dated 28.06.2018 for rejecting the claim of the applicant for Compassionate Appointment without considering the factual position of the applicant relating to genuine's of the certificate on untenable ground, and declare the action of the Respondent in contrary to the rules and instructions prescribed in violation of the provisions of the Constitution contained in Articles 14 and 21 of the Constitution of India;
- (b) To direct the Respondents to reconsider the case of the applicant for appointment on compassionate grounds, duly considering the case of the applicant on available documents keeping the indigent conditions of the family of the deceased; with all the consequential benefits; and be pleased to pass such other and further order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case. “

2. The relevant facts of the case are that the husband of the applicant late K.Narasimha Murthy died in harness. At the time of death of the husband of the applicant, the Welfare Inspector of the Respondents collected the educational certificates of the applicant. The



certificates were not collected directly from the applicant. The IX class (9<sup>th</sup> class) certificate collected by the Welfare Inspector is that of the Aruna English and Telugu Medium School, Vijayawada. The applicant submitted 10<sup>th</sup> Class certificate also along with her application seeking compassionate appointment. Subsequently during the examination time, she lost many of her documents along with Transfer Certificate of 9<sup>th</sup> Class regarding which she filed a complaint and on the basis of the said complaint, she requested for permission to appear for Compassionate Ground appointment test which was held on 27.07.2016. After the examination, she submitted her educational certificates once again. In the 9<sup>th</sup> Class certificate there was some discrepancy to the extent that in the certificate she submitted subsequently it is shown that it is issued by Joseph English & Telugu Medium High School, Mahanthipuram, Vijayawada. On the basis that there is discrepancy in the 9<sup>th</sup> class certificate collected by the Welfare Inspector and the one

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produced by the applicant, the candidature of the applicant was rejected and consequently the impugned order dated 28.06.2018 was issued.



3. The Counsel for the Respondents submitted that there is a discrepancy in the 9<sup>th</sup> Class certificate, in view of the law laid down by the Hon'ble Apex Court in CA No.6342-6343 of 2012, V. Chandrasekharan & Anr vs. Administrative Officer & Ors, a person approaching the Tribunal should come with clean hands and as the applicant has not approached the Respondents with clean hands for compassionate ground appointment, as such the rejection order dated 28.06.2018 does not suffer from any illegality. But in view of the fact that it is not conclusively proved that the applicant is involved in production of false documents namely the 9<sup>th</sup> Class Certificates as such the law laid down by the Hon'ble Apex Court in the above referred case is not applicable to the present case, and I cannot hold that the applicant not approached the respondents with clean hands, particularly in view of the fact that there is no dispute with respect to 10<sup>th</sup> class certificate.

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4. In the facts and circumstances narrated above, the OA is disposed of setting aside the order dated 28.06.2018 directing the Respondents to



consider the claim of the applicant for compassionate appointment on the basis of the result of the examination held on 27.07.2016 with all consequential benefits taking the applicant's educational qualification on the basis of the 10<sup>th</sup> class certificate, within a period of three months from the date of receipt of the certified copy of this order.

5. No order as to costs.

(S.N.TERDAL)  
JUDICIAL MEMBER

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

vl.