

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00885/2020

HYDERABAD, this the 18th day of January, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member

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



1. Arava Velangini
W/o late Arava Arun Kumar,
Gr. 'C',
Design of Husband : Ex. Safaiwala,
Office of HI /Railway Hospital/BZA,
Medical Branch, Aged 30 years,
Door No.17-21-9E, Behind RCM Church,
Allauddin Street, Pezzonipet Pet,
Vijayawada-AP.
- 2.Arava Sara Grace M/o Late Arava Arun Kumar,
Design of Son : Ex. Safaiwala,
Office of HI /Railway Hospital/BZA,
Medical Branch, Aged 50 years,
Door No.17-21-9E, Behind RCM Church,
Allauddin Street, Pezzonipet Pet,
Vijayawada-AP.

...Applicants

(By Advocate : Mr. B. Rajesh Kumar)

Vs.

- 1.Union of India, Ministry of Railways,
Represented by The General Manager,
South Central Railway, Railnilayam,
Secunderabad – Telangana State.
- 2.The Divisional Railway Manager,
South Central Railway,
Vijayawada Division-AP.
- 3.The Sr. Divisional Personnel Officer,
South Central Railway,
Vijayawada Division-AP.

....Respondents

(By Advocate: Mr. M.Brahma Reddy, SC for Railways)

ORAL ORDER
(As per Hon'ble Mr. B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA is filed in regard to compassionate appointment.



3. Brief facts of the case are that the 1st applicant is the wife of the deceased employee, who died while working as Safaiwala in the respondents organization, on 14.6.2009. 1st Applicant was married to the deceased employee and her name along with that of her son and daughter were got entered in the service register by the deceased employee. 1st applicant being dependent on the deceased employee applied for compassionate, which is not being considered and hence the OA.

4. The contentions of the 1st applicant are that she is the legally wedded wife of the deceased employee. The dependent family member certificate issued by the MRO substantiates this fact. Other documents like Railway pass, membership card of the Employees Coop. Credit Society, etc. support the eligibility of the 1st applicant for compassionate appointment. The 2nd applicant, who is the mother-in-law of the 1st applicant, has sought compassionate appointment for her 2nd son, which is not permissible. Succession certificate as ordered to be submitted has also been furnished to the respondents to press her claim for compassionate appointment. Representation made on 11.4.2020 has not been disposed. 1st applicant cited the judgment of the Hon'ble Apex Court to support her contentions.

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

6. The 1st applicant has sought compassionate appointment claiming that she is the legally wedded wife of the deceased employee. However, the 2nd applicant, who is the mother-in-law of the 1st applicant, sought compassionate appointment for her second son. In view of the counter claim made, respondents directed to produce succession certificate, which, the 1st applicant claims, has been submitted vide Order dt. 04.12.2019 in SOP No. 18/2018 on the file of the Court of Principal Senior Civil Judge, Vijayawada. Even after fulfilling the conditions prescribed, respondents have not decided the request for compassionate appointment. Aggrieved, 1st applicant has submitted a representation on 11.4.2020, which, according to her, remains undisposed. Ld. counsel for the respondents submitted that there is no such representation pending with the respondents.

7. However, considering the submissions made by either side, we direct the 1st applicant to submit a fresh representation stating the rules and law under which her case has to be considered, within 15 days from the date of receipt of this order. On receipt of the said representation, respondents shall dispose of the same within 4 weeks of receipt by issuing a speaking and reasoned order in accordance with rules and law, by keeping in view the contentions made by the 1st applicant in the OA as well.

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

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER
evr

(ASHISH KALIA)
JUDICIAL MEMBER