

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/216/2021

HYDERABAD, this the 9th day of March, 2021

**Hon'ble Mr. AshishKalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



1. Bojja Nirmala, W/o Late B.S. Elisha,
Aged about 55 years,
Ex. Dy. Station Superintendent/Hasanparthi Station/
S.C Rly.Door No.MIG 630, BHEL,
Lingampalli, Hyderabad – T.S.
2. Bojja Syam Sunder, S/o. Late B.S. Elisha,
Ex. Dy. Station Superintendent/ Hasanparthi Station/S.C. Rly,
Aged about 32 years,
Door No.MIG 630, BHEL,
Lingampalli, Hyderabad – T.S.
3. Smt.Bojja Mary@ Mariayamma,
W/o. Late B.S. Elisha aged about 68 years,
Occ: RtdZillaParishad Teacher,
House No.25-4-119, Vishnupuri Kazipet,
Hanamkonda,Warangal District, T.S.

...Applicants

(By Advocate :Sri B. Rajesh Kumar)

Vs.

1. Union of India,
Ministry of Railways rep. by its
The Secretary (Est.), Railway Board -Raisina Road,
New Delhi – 11.
2. The General Manager,
South Central Railway,
Rail nilayam, Secunderabad – Telangana State.
3. The Divisional Railway Manager,
South Central Railway, Sanchalan Bhavan,
Secunderabad Division – TS.
4. The Sr. Divisional Personnel Officer,
South Central Railway,
Secunderabad Division – T.S.

....Respondents

(By Advocate: Smt. Vijaya Sagi, 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 the compassionate appointment to the 2nd applicant.



3. Brief facts of the case are that the 2nd applicant is seeking compassionate appointment consequent to the death of his father in 2001 while working for the respondents as Deputy Station Superintendent. The deceased employee had two wives and 3rd applicant is the first wife and the 1st applicant is the second daughter. The first wife had no issues. As per Lok Adalat, Warangal proceedings in OP No.1161/2004, retiral benefits to be granted to the first wife, family pension equally between the 2 wives and the son of the second wife can apply for compassionate appointment. Respondents have released the pension and pensionary benefits as per the Lok Adalat findings, but did not consider the son of the deceased employee for compassionate appointment. Aggrieved, the OA is filed.

4. The contentions of the applicants are that the name of the 1st applicant and her two daughters as well as the son were entered in the Railway records. Son is a physically challenged and was dependent on the deceased employee. The first wife of the deceased employee has filed a no objection certificate in this regard. The request for compassionate appointment is pending since 8 years. The family agreement entered into in pursuance of the Lok Adalat proceedings has also been submitted to the respondents. A representation was submitted on 26.8.2020, which is not disposed till date.

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

6. The issue is in regard to grant of compassionate appointment to the 2nd applicant, who is physically challenged. According to the applicants' version, respondents have released the pension and terminal benefits as per the proceedings of the Lok Adalat in OP No.1161/2004 but the request for compassionate appointment to the 2nd applicant, is pending since the last 8 years. According to the applicants, they made a representation on 26.8.2020, which is yet to be disposed. Hence, we direct the respondents to dispose of the said representation within a period of 8 weeks from the date of receipt of this order by issuing a speaking and reasoned order in accordance with extent rules and law.

With the above direction, the OA is disposed of, at the admission without going into the merits of the case. No order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/