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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.No. 307 of 2009
Cuttack, this the 26 day of August, 2010

Cini Tirupati @ C.Tripati Applicant
-Versus-
Union of India & Others Respondents

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

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The facts of the matter are that Late C.Ganga Rao while working as Bearer under Catering (Catg) Unit at Puri Railway Station expired on 30.11.2000. After his death, the widow Smt. Sakuntala applied for compassionate appointment in favour of her son who was a minor at the relevant time vide application dated 31.7.2001. In response to her application, she was intimated vide letter dated 30.01.2003 to put forth her claim for employment assistance on compassionate ground after her son attains majority of 18 years. Accordingly, in application dated 17.8.2005 after attaining majority, the widow applied for appointment on compassionate ground in favour of her son. Thereafter she was advised vide DRM(P)'s letter dated 03.01.2006 to submit the required documents viz; certificate in support of his educational qualification and date of birth, old pass and medical card, PPO order, Photographs of the candidates, income certificate to assess the distress condition, attested copies of court affidavit, legal heir certificate for processing of the matter. In turn the widow submitted some documents. Some discrepancies having been noticed in the documents submitted by her she was asked vide DRM (P)'s letter dated 10.3.2006 to clarify. In compliance of the aforesaid letter of the DRM the widow through representation dated 10.3.2006 clarified the discrepancy earlier noticed by the Respondents. Thereafter, the case of the Applicant was examined but the competent authority did not agree to accept

the request of applicant for appointment on compassionate ground and communicated the said decision of the competent authority in letter under Annexure-3 dated 11.10.2006. It reads as under:

"With reference to the above your E.A. case has been examined in detail by the competent authority and it has been observed that in your application you have mentioned the name of your son as 'TIRUPATHI', whereas in the School certificate it is mentioned as 'TRIPATI' which is quite different from original application.

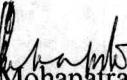
In view of the above your request for E.A. is regretted."

2. Hence by filing this Original Application, the Applicant prays to quash the aforesaid order of rejection and direct the Respondents to reconsider the case of the applicant for appointment on compassionate ground for the death of his father was in harness while in service on 30.11.2000 on the ground that C.Tirupathi and C.Tripati is one and the same and that merely difference in writing of the surname or displacement of alphabet in the surname cannot be a valid ground to deny parenthood (in other words the applicant is not the son of Late C.Ganga Rao) and that the Respondents rejected the case of the applicant without making any local enquiry or even without taking note of the certificate under Annexure-A/4 issued by the Additional Tahasildar, Berhampur (GM) certifying that Smt. Cini Tripati @ Cini Tirpati is the son of Late Cini Ganga Rao of District of Ganjam in the State of Orissa. Learned Counsel appearing for the Respondents vehemently opposed the prayer of the applicant *inter alia* stating that the authority has every right to reject the claim of this nature if any doubt arises about the genuineness of the documents and candidate seeking appointment. In the instant case discrepancy in the name having been noticed, the Respondents rightly rejected the claim of the applicant which needs no interference. This was opposed by the Learned Counsel for the Applicant on the ground that as per the law while considering any application, the authority must consider the

same with due application of mind in a proper, fair and reasonable manner. But in the instant case the Respondents rejected the claim of the applicant without taking into consideration the certificate issued by the Tahasildar under Annexure-4 as also affidavit submitted certifying that C. Tripathi and Tirupati is one and the same and is the son of Late C. Ganga Rao and that even though such rejection has wider repercussion when it has questioned the parentage of the applicant, the same was done on conjecture and surmises without making any enquiry. Accordingly, Learned Counsel for the Applicant has reiterated his prayer made in this OA.

3. Considering the submissions advanced by Learned Counsel for both sides with reference to the pleadings of the respective parties and the materials placed on record. I am fully in agreement with the Learned Counsel for the Applicant that denial of appointment for the discrepancy in name tantamounts to questioning the parentage of the applicant, rejection ought not to have been made by the Respondents doubting the parenthood/sonship without making thorough enquiry through other means such as from the concerned police station, Headmaster, Tahasildar who issued the certificate, Sarapancha, MP/MLA, etc. The order of rejection under Annexure-3 shows that such rejection was made only on the basis of the spelling of names which appeared differently at different places. This appears to be an attempt to trivialize the whole issue. In view of the above, ends of justice would be met if the order of rejection under Annexure-3 is set aside and the matter is remitted back to the Respondent No.3 to cause a detailed enquiry either through any responsible officer or the Welfare Inspector available in the Railway to find out whether the Applicant is the son of C. Ganga Rao and/or C. Tripathi and Tirupati is one and the same. On the basis of the report of such enquiry the Respondent No.3 should decide the fate of the applicant and

communicate its decision to the Applicant. The entire exercise shall be completed by the Respondent No.3 within a period of 90(ninety) days from the date of receipt of copy of this order. Ordered accordingly. In the result this OA stands allowed to the extent stated above. There shall be no order as to cost.


(C.R. Mohapatra)
Member (Admn.)