

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 213 199 1
~~XX XXXX~~

DATE OF DECISION 25.3.1991

Sunny Varghese Applicant (s)

Mr. Ramesh Babu Advocate for the Applicant (s)

Versus

General Manager, Southern Respondent (s)
Railway, Madras & another

Mr. PA Mohamed Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P. Mukerji - Vice Chairman

and

The Hon'ble Mr. A.V. Haridasan - Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

(Mr. A.V. Haridasan, Judicial Member)

The applicant in this case is one of the younger sons of Mr. Varghese who died while he was serving the Railways in the year, 1972. In the year 1984 the mother of the applicant Mrs. Varghese made a request for giving compassionate appointment to her eldest son and this representation was turned down on 21.1.1988 by the General Manager stating that it was not possible to accede to the request. After the rejection of the above representation Mrs. Varghese submitted a further representation dated 31.8.1988 at Annexure-A to the Divisional Railway Manager, Trivandrum requesting that her son Sunny Varghese, the

...2/-

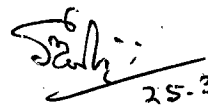
applicant, who has passed SSLC Examination and draftsman-ship may be provided with a job. ~~On~~^{To} this representation she obtained Annexure-B letter in reply directing her to send the representation to the Divisional Railway Manager, Southern Railway, Madurai. Pursuant to this letter she submitted her representation to the Divisional Railway Manager, Southern Railway, Madurai on 5.12.1988. Finding no response she submitted a representation to the General Manager, Southern Railway, Madras and one to the Hon'ble Railway Minister. Seeing that none of these representations was responded to, the applicant, has filed this application for a direction to the respondents to give him appointment on compassionate grounds.

2. We have heard the learned counsel for the applicant and also Mr. Mohammed, Learned Standing Counsel for Railways. Though we are distressed to see that the representation claiming compassionate appointment made in 1984 took more than four years for the General Manager to reject, we find that we will not be justified in interfering in this matter because the death of Mr. Varghese took place in 1972 and the representation for compassionate appointment for the eldest son made in the year 1984 was rejected and the applicant's mother did not pursue the cause of the appointment of her first son any further. By the lapse of nearly twenty years the indigence of the family must have been atleast lessened if not completely wiped off. It is brought to our notice that at the time when the death of Mr. Varghese took place

there were sisters of the applicant who had come of age and who could have asked for compassionate appointment in 1972 itself. If the family was in such a distress on account of the death of Mr. Varghese in all probabilities a request for compassionate appointment for one of the girls would have been made.

3. In these circumstances, we are of the view that, the application does not merit ~~from this~~ consideration and therefore we reject the same under Section 19(3) of the Administrative Tribunals Act. There is no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

25/3/91
25.3.1991