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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A.No.750 of 1989.

Date of Order : 20-10-1989.

N.S.Thymunnissa Begum

...Applicant

Versus

The Divisional Railway Manager,
Andhra Pradesh,
South Central Railway (BG),
Secunderabad - 500 371.

...Respondent

Counsel for the Applicant : Shri Kalyan Rao Joshi &
Shri Vasan Rao Kulkarni

Counsel for the Respondent : N.R.Devaraj

CORAM

HONOURABLE SHRI D.SURYA RAO : MEMBER (J)

HONOURABLE MS.USHA SAVARA : MEMBER (A) (Jodhpur Bench)

(Judgment of the Bench dictated by Hon'ble
Shri D.Surya Rao, Member (J)).

The applicant herein is ~~the~~ widow of ^Q the deceased.

~~Ex~~-driver 'A' Special Grade at Loco shed Lalaguda. She
averts that under the Railway rules and instructions her
elder son ^{was} eligible for appointment on compassionate
ground. However her elder son also expired all of sudden.
Later she adopted her sister's son by name Shri S.F.Pasha.
She requested the Railways to give appointment to her adopted
son on compassionate grounds. Her request was rejected by
an order No. CP/175/G.O.Ms.80/88/AC dated 25-04-1988 without
giving any reasons. Hence she has filed the present
application.


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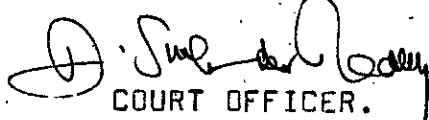
2. Heard the learned counsel for the applicant Shri Kalyan Rao Joshi and the learned standing counsel Shri N.R.Devaraj. Shri Joshi relies on the instructions in South Central Railway circular No.P(SC) 268/I/Vol.II dated 18/23-09-1980 which were based upon Railway Board's instructions for giving an appointment on Compassionate Grounds to a near relative. The terms and conditions under which compassionate appointment should be given have been set out in the said orders. Shri N.R.Devaraj seeks to ~~contd~~ supersede state that the subsequent orders relied upon this order. However, no specific superseding order was brought to our notice. Shri N.R.Devaraj further contends that under Muslim Law there is no provision for adoption.

3. It is however to be noted that the impugned order No.CP/175/G.O.Ms.80/88/AC dated 25-04-1988, the compassionate appointment was not rejected on the ground that an adopted son is not eligible for appointment/ground that it is not possible to offer appointment to S.F.Pasha as the bread winner of the family on compassionate grounds. No reasons have been given why/can not be appointed, whether the instructions dated 18-23-9-1980 will apply or not or whether ~~time is~~ any other rules/ instructions governing this case. In these circumstances we direct the applicant to make a fresh application to the respondent. The respondents are directed to dispose of

Sd/- x x x
(D.SURYA RAO)
Member(J)(I)

Sd/- x x x
(USHA SAVARA)
Member(A)

//true copy //


D. Surya Rao
COURT OFFICER.

To:

1. The Divisional Railway Manager,
South Central Railway(BG),
Secunderabad- 500 371.
2. M/s.Kalyan Rao Joshi and Vasant Rao Kulkarni,
Advocates, H.No.2-2-1164, Tilaknagar, Hyderabad-500 044.
3. One copy to Mr.N.R.Devaraj, S.C. for Rlys., CAT
Hyderabad.
4. One spare copy.

ghm/