

(37)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI HYDERABAD

O.A. No. 890/89
T.A. No.

198

DATE OF DECISION 4 June 1992

Sri Ch. Venkaiah Petitioner

Sri P. Krishna Reddy Advocate for the Petitioner(s)

Versus

Chairman, Railway Board, N Delhi Respondent

Sri NV Ramana SC For Rlys Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

The Hon'ble Mr.

--

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

7
No

T - C - N - J
(HTCR)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.890/89

DATE OF JUDGEMENT: 4th JUNE, 1992

BETWEEN

Sri Ch.Venkaiah

.. Applicant

A N D

1. The Railway Board, rep by
its Chairman
Rail Bhavan
New Delhi
2. The General Manager
South Central Railway
Rail Nilayam
Secunderabad
3. The Chief Personnel Officer
South Central Railway
Secunderabad
4. The Divisional Railway Manager
South Central Railway
Vijayawada

.. Respondents

Counsel for the Applicant :: Sri P.Krishna Reddy

Counsel for the Respondents :: Shiv N. D. Dewani SC for Rly

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

J. C. M.

2

31

JUDGEMENT OF THE SINGLE MEMBER BENCH DELIVERED BY THE
HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This application is filed under Section 19 of the Administrative Tribunal Act, to provide compassionate appointment to the applicant herein. The facts giving rise to this OA in brief are as follows:

1. The father of the applicant is one Sri Ch. Kotaiah. The said Ch. Kotaiah was working as a Gangman under PWI, Nellore. On 5.2.1966, while the said Ch. Kotaiah was working, he was run over by a train and died. By the time of his death, he had put in a service of 12 years in the Railways. The said Shri Kotaiah ~~had~~ left behind his wife, who was quite young, 2 daughters and the applicant herein at the time of his death. By the time of his death, his 1st daughter was aged about 6 years, 2nd daughter was aged about 4 years and the applicant was 6 months old.

2. According to the applicant, he was born on 4.8.1965 i.e. about six months prior to the death of his father. The applicant has passed SSC Examination in the month of March, 1984. As the mother of the applicant was illiterate, the date of birth of the applicant is entered as 25.7.1967 in the SSC Register. On the basis of the date of birth of the applicant as 25.7.67 which was registered in the SSC Register of the applicant of age by the applicant, before completion of 18 years, i.e. on 21.2.1985 the

(40)

the applicant's mother applied to the Railway administration to provide an appointment to the applicant. The application filed on 21.2.1985 according to the applicant, was not taken into consideration by the Railway administration for want of SSC Certificate. The applicant's mother was informed by an order dated 17.10.1986, by the Divisional Railway Manager, South Central Railway, Vijayawada (4th respondent) that the applicant's application cannot be processed without the submission of SSC Certificate duly corrected with regard to the date of birth of the applicant. Finally, the SSC Certificate was corrected and the date of birth of the applicant was mentioned as 4.8.1965 in the SSC Certificate by an order dated 10.8.1987. The applicant has also produced the corrected date of birth as 4.8.65 in the SSC Certificate before the Railway Administration. But the Divisional Railway Manager, SCRly, Vijayawada, by his order dated 23.11.1987 informed the mother of the applicant that the applicant's case cannot be considered.

2. The applicant also seems to have approached the Local MLA and also the MP for appointment on compassionate grounds. They also appear to have taken the matter with the Ministry of Railways for providing the appointment to the applicant on compassionate grounds. The then Dy. Minister for Railways, Hon'ble Mr. Mahaveer Prasad had sent a letter to the mother of the applicant on 28.5.1988, informing the Hon'ble Member of the Parliament that the case of the applicant cannot be considered as the applicant's mother has applied only in the month of Feb., 1985, i.e. after 19 years from the date of her husband's death. The mother of the applicant was informed after three months about the order of the said Dy. Minister for

T - C - M

(41)

Railways, as the order was not directly addressed to the applicant's mother. Further, according to the Hon'ble Minister, the case has become time barred as it was more than 22 years old. So, the present application is filed for the relief as already indicated above.

3. Counter is filed by the respondents ~~xxx~~ opposing this OA.

4. It is needless to point out that ~~that~~ compassionate appointments are made when a serving employee happens to be a sole bread winner of the family and on his untimely demise, the economic condition of the said family ~~gets so much upset that if an immediate~~ successor is not provided an employment, the family itself will be in total distress. The party who seeks appointment on compassionate grounds should ~~xx~~ also be diligent in pressing ~~the~~ the claim for compassionate ~~xx~~ appointment. ~~the instructions of the Govt. of India, Ministry of Railways (Railway Board) New Delhi letter dated 18.4.1985, with regard to appointment on compassionate grounds~~ are made available to the Bench during the course of the hearing of this OA.

5. According to ~~the~~ scheme, the wife of the deceased employee should immediately prefer a representation for providing a suitable appointment to railways. If the wife of the deceased employee is not available or not willing or not competent, the first child of the family will be considered for providing a suitable job. There is no provision ^a for providing such job to other children other than the first

child of the family. If the first child happens to be a minor, the policy is to consider such persons the moment, he/she becomes major provided the indigent circumstances ~~happened to be~~ till continue and also the representation by the widow ~~is~~ is made to the administration within the prescribed period stating that she is not in a position to take up the job for valid reasons and that her first child on becoming major may be offered a suitable employment. Such appointments can be made within 5 years of the death of the Railway employee and in an extreme case, the General Manager has the powers to relax upto 10 years.

6. Admittedly, in the present case, the said Kotaiah, the ~~x~~ father of the applicant died on 5.2.1966. The mother of the applicant never approached the Railway for a compassionate appointment for herself. The first two issues of the deceased were girls. There was no claim from them for appointment on compassionate grounds. No application was made within the stipulated time for appointment of the first daughter when she ~~became~~ major. As could be seen, an application has been made for the first time on behalf of the applicant, who is the third issue of the said Kotaiah, after 19 years. So, in view of this position, as the applicant who is claiming appointment on compassionate grounds is not the first child of the deceased and ~~as there is~~ a delay of 19 years in approaching the authorities for compassionate appointment, ~~it is~~ it is rather difficult to believe that the applicant's family is in indigent circumstances warranting appointment on compassionate grounds.

T - C - N - P

U2

..6..

7. So in view of this position, we see no merits in this OA and this OA is liable to be dismissed and is accordingly dismissed. In the circumstances of the case, we make no order as to costs.

T. A. Devaraj
(T. CHANDRASEKHARA REDDY)

MEMBER (J)

Dated: 4 June, 1992 Deputy Registrar (J) *8/6/92*

Copy to:-

1. Chairman, Railway Board, Rail Bhavan, New Delhi.
2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. The Chief Personnel Officer, South Central Railway, Secunderabad.
4. The Divisional Railway Manager, South Central Railway, Vijayawada.
5. One copy to Sri. P. Krishna Reddy, advocate, H.No.799, Himayatnagar, Hyd.
6. One copy to ~~S. N. Devaraj~~ SC for Railways, CAT, Hyd.
7. One spare copy.

Rsm/-

mvl

Copy

O.A. No. 890187

TYPED BY

COMPARED BY

CHECKED BY

6

APPROVED BY

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:
MEMBER(JUDL)

AND

THE HON'BLE MR.C.J. ROY : MEMBER(JUDL)

Dated: 4/6/1992.

ORDER / JUDGMENT

R.A./C.A./M.A. No.

in

O.A. No.

890187

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A. Ordered Rejected.

No order as to costs.

pvm.

