

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.549/90

DATE OF JUDGEMENT: 21-2-94

BETWEEN

Kum. Ch. Raja Rajeswari .. Applicant

AND

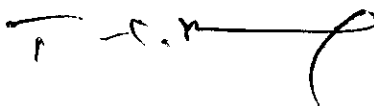
- 1. The Divisional Railway Manager,  
South Central Railway,Vijayawada.
- 2. The General Manager,  
South Central Railway  
Rail Nilayam  
Secunderabad .. Respondents

Counsel for the applicant :: Sri K. Venkatesh

Counsel for the respondents :: Sri NR Devaraj, SC for Rlys

CORAM:

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



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(29)

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

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to appoint the applicant in the post of Clerk or Typist or in any other suitable post on compassionate grounds and grant such other relief or reliefs as this Tribunal may deem it fit and proper in the circumstances of the case.

The facts giving rise to this application in brief may be stated as follows:

1. The applicant's father is one Late Sri Gopalakrishnu. Smt S. Venkatasatyavathi was the first wife of the said Sri Gopalakrishnu.    
 The said Smt   Venkatasatyavathi had a daughter and 3 sons by the said Late Sri Gopalakrishnu. The applicant herein is the eldest among the <sup>four</sup> children to her parents. The said Sri Gopalakrishnu and the mother of the applicant herein Smt Venkatasatyavathi were separated judicially by an   order of the <sup>civil</sup>   court   in the year 1975. From then onwards, the applicant had been living with her mother Smt Venkatasatyavathi only. The said Smt   Venkatasatyavathi and her four children

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whom she got through the said Sri Gopalakrishnu  
 seem to have filed a petition in the competent court  
 for their maintenance and obtained orders  
 in  
 for maintenance, of their favour as against the said  
 Sri Gopalakrishnu. The applicant also seems to have been  
 granted some maintenance by the order of the said court.  
 After the mother of the applicant Smt Venkatasatyavathi  
 and the father of the applicant Sri Gopalakrishnu  
 got judicially separated, it is said that the said  
 Gopalakrishnu married second time a lady  
 by name Smt Pushpavalli.

2. While the matter stood like that, the  
 said Gopalakrishnu, while working as Asst. Station  
 Master in Nidadavolu which comes under Vijayawada  
 Division, died on account of sudden heart-  
 attack on 6.10.1984. So after the death of the  
 said Sri Gopalakrishnu, the applicant seems to have  
 made a representation to the competent authorities  
 to provide her appointment on compassionate grounds.  
 But the competent authorities informed the applicant  
 that her request for appointment on compassionate  
 grounds consequent to the death of her father, will  
 be considered only if Smt Pushpavalli, (the widow and  
 the second wife of her late father) gave her consent  
 for the appointment on compassionate grounds, that  
 too, after the dispute for payment of settlement dues  
 was settled. So, as the applicant's effort to secure  
 appointment on compassionate grounds failed,

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the applicant had approached this Tribunal for direction to the respondents to appoint her on compassionate grounds as already indicated above.

3. Counter is filed by the respondents opposing the application.

4. This OA was first listed on 10.2.92 for hearing and the following order was passed:

"None present on behalf of the applicant. No representation on behalf of the applicant. Hence, list this OA for dismissal on 12.2.92." Mr N.R. Devaraj, advocate for respondents reports ready".

On 12.2.92 also there was no representation on behalf of the applicant and hence the following order was passed.

"Today also none present on behalf of the applicant. No representation on behalf of the applicant. To give one more opportunity to the applicant, list this OA for dismissal on 14.2.92."

On 14.2.92, when the OA was taken up, none were present on behalf of the applicant. There was no representation on behalf of the applicant. Sri N.R. Devaraj, counsel for the respondents reported ready. As the applicant was not evincing any interest in the prosecution of this OA, it was thought fit to hear the counsel for the respondents and decide this OA on merits. Accordingly, Sri N.R. Devaraj, counsel for the respondents was heard and the matter is disposed of today on merits.

*[Handwritten signature]*

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[Redacted]

5. It is maintained in the counter,

that the legal status of Smt Pushpavalli, the [Redacted] second wife and the widow of the late Sri Gopalakrishnuadu is <sup>the</sup> subject matter <sup>as</sup> dispute [Redacted] in OS No.55/85 that is to be decided in the court of Addl. Dist. Munsiff/Kovuru and that, the said Smt Pushpavalli had also put an application to consider her for appointment on compassionate grounds and till the marital status of the said Smt Pushpavalli is decided by the said Addl.Dist.Munsiff/Kovuru in the said OS No.55/85, that the applicant cannot be considered for appointment on compassionate grounds. According to the respondents, the said Smt Pushpavalli, [Redacted] is found to be the legally married wife of the said Sri Gopalakrishnuadu, the present application, has no legs to stand as the first preference in providing job is to be given to the widower on compassionate grounds. It is also further maintained in the counter filed by the respondents that there is no legal relationship of father and daughter in between Sri Gopalakrishnuadu and the applicant herein since the judicial separation [Redacted] took place in between the mother of the applicant and the father of the applicant and in view of this <sup>provided</sup> position that the applicant cannot be <sup>appointment</sup> on compassionate grounds.

6. So far <sup>as</sup> the second contention is concerned,

T. C. R. [Signature]

we may straightaway say that the earlier proceedings that had taken place had never put an end to the relationship of the applicant to the said Sri Gopalakrishnu. The applicant herein ~~by~~ any stretch of imagination cannot be said that she is not the daughter of the said Sri Gopalakrishnu in spite of the judicial separation or divorce in between the said Sri Gopalakrishnu and the mother of the applicant Smt Venkatasatyavathi. The paternity of the applicant had never been ~~in~~ in dispute. So that being the position that the relationship of daughter and father had come to an end in between the applicant and the said Gopalakrishnu is not at all correct.

7. The first objection, as already pointed out, to consider the applicant for appointment on compassionate grounds by the respondents, is said to be the pendency of OA 55/85 in the court of Addl. District Munsiff/Kovuru, in which suit the legal status of the said Smt Pushpavalli - the second wife (widow) of Sri Gopalakrishnu is in dispute. But Smt Pushpavalli had not approached this Tribunal to consider her case for appointment on compassionate grounds. We refrain from saying anything in this OA with regard to her marital status as ~~the~~ same in dispute before a competent civil court.

8. If the said Smt Pushpavalli is found to be the legally wedded wife of the said Sri Gopalakrishnu by civil court, it is left to the Department to consider her for appointment on compassionate grounds. But the said Smt Pushpavalli is not considered for appointment on ~~on~~

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compassionate grounds, on the ground that she is not the legally wedded wife of the Sri Gopalakrishnudu <sup>m</sup> on any other ground then nothing stands in the way of the respondents to consider the applicant for appointment on compassionate grounds in accordance with the rules, if the department is satisfied that the case of the applicant is a deserving one and if the applicant is not married.

9. With the said observations, this OA is disposed of with no order as to costs. The parties are directed to bear their own costs.

~~T. Chandrasekhara Reddy~~  
(T. CHANDRASEKHARA REDDY)  
Member (Judicial)

Dated: 21 February, 1992.

~~85/3/92~~  
Deputy Registrar (Judl.)

Copy to:-

- 1. The Divisional Railway Manager, South Central Railway, Vijayawada.
- 2. The General Manager, South Central Railway, Rail Nilayam, Secunderabad.
- 3. One copy to Sri K.Venkatesh, advocate, Race Course Road, Old market
- 4. One copy to Sri. N.R.Devraj, SC for Railways, CAT, Hyd.
- 5. One spare copy.

Rsm/-

mvl

*Handwritten notes:*  
750/201  
D/O  
5/2/92

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O.A. 549/90

TYPED BY \_\_\_\_\_ COMPARED BY \_\_\_\_\_  
CHECKED BY \_\_\_\_\_ APPROVED BY \_\_\_\_\_

PSR  
5/3/92

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR. \_\_\_\_\_ V.C.~~

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

~~AND~~

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

~~AND~~

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

DATED: 2/2/1992 ✓

ORDER/JUDGMENT: ✓

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

~~in~~

O.A.No. 549/90 ✓

~~T.A.No. (W.P.No.)~~

Admitted and interim directions issued.

Allowed

✓ Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A. Ordered/ Rejected

✓ No order as to costs.

177.

Central Administrative Tribunal  
DESPATCH  
113  
HYDERABAD BENCH.

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5/3/92