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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::HYDERABAD BENCH ::
AT HYDERABAD.

O.A.No. 597/91.

Date of Decision: 19.2.1992

Between;

Smt. Lakshminarayanamma

Applicant

Vs.

1. The Divisional Personnel Officer,
Personnel Branch, Guntakal Divn.,
S.C.Rly., Guntakal.

2. The Divisional Manager,
D.R.M. Section, S.C.Railway,
Guntakal Division, Guntakal.

3. B.Sudhakar s/o late B.Nettakallu,
C/o Anjanalah, P.W.I Office/M.C.
Guntakal, Anantapur Dist.

Respondents

For the applicant : Shri P. Veera Reddy, Advocate

For the respondents 1 & 2: Shri V.Bhimanna, Standing Counsel
for Railways.

For the Respondent No.3 : Shri J.Rahgaiah, Advocate.

CORAM:

HON'BLE SHRI C.J. ROY, MEMBER (JUDL.)

JUDGMENT OF THE SINGLE BENCH DELIVERED BY HON'BLE SHRI
C.J. ROY, MEMBER (J)

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The application is filed under sec. 19 of the Administrative Tribunals Act, 1985 for a direction to Respondents No.1 & 2 to appoint the applicant in any suitable post for which she is eligible on compassionate grounds.

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3. 2. The husband of the applicant was working as Works Mate at the Headquarters of L.W./O/Pakala and while in service expired on 29-8-1989 having put in 32 years service. The applicant herein by an application dt. 28-9-1989 requested the respondents to appoint her on any Class-IV job on compassionate grounds. The applicant states that she was nominated by her husband for receiving the family pension and other benefits.

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3. The applicant alleges that Respondent No.3 had also submitted an application on 13-9-1999 requesting 2nd respondent to ^{appoint} ~~point~~ him on compassionate grounds. It is also alleged that the Respondent No.3 is the son of the deceased employee through first wife, Smt. Sultamma, and consequent on her death he had married the applicant herein and got two children through her. It is also alleged that the 3rd respondent raised disputes regarding settlement of dues from the respondents 1 & 2. By a letter dt. 18-7-1990 the said respondents informed the applicant herein to produce the family composition certificate before 31-7-1990 and applicant had issued a legal notice stating that she is alone entitled for the dues and also for appointment. However, the respondents issued pension payment order dt. 12-3-1991 and the pension was arranged to be paid to the applicant. The applicant alleges that 3rd respondent was appointed on daily wage basis and apprehend that the respondents are likely to appoint him on compassionate grounds. It is averred that she being the wife of the deceased employee is first class legal heir and she alone is entitled to get the benefits. The applicant alleged that 3rd respondent is aged about 29 years and also that he has his own family having married two wives and if the said respondent is given appointment on compassionate grounds, the applicant and her children would suffer hardship. The applicant states that she is an illiterate lady and would not be able to sustain herself and her children, if her claim is not considered for appointment.

4. The respondents filed their counter (R-1 & R-2) and countered the allegations stating that the applicant is the

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second wife of late B.Nettakallu, ex.Works Mate who died while in service. The respondents admit that the applicant made a representation dt. 28-9-1989 for appointment on compassionate appointment as well as for retirement benefits. It is stated that Respondent No.3 also made a representation dt. 13-9-1989 claiming the said benefits. As there was rival claims, the respondents settled the benefits of DCRG, Group Insurance etc. and paid the amounts thereunder in equal shares to the claimants. The respondents state the applicant is entitled for appointment for herself or to the children of the deceased railway servant and that she will be considered for appointment as soon as she submits necessary documents, asked for, by them with regard to educational qualification etc. on her turn. It is alleged that the applicant failed to produce correct family composition certificate and therefore, she cannot blame the administration baselessly. The respondents stated that the deceased employee had nominated the applicant and respondent No.3 with regard to benefits under Group Insurance and P.F. in equal shares. The respondents are not disputing the claim of the applicant for appointment on compassionate grounds since she is the only eligible person to be appointed as such in preference to the son of the first wife. It is averred that the applicant will be considered as soon as she submits necessary documents regarding her qualifications etc. and that she will be appointed as per her turn since large number of lady candidates have been wait-listed for appointment on compassionate grounds. The respondents state that there are no merits in the O.A. and desired the application be dismissed.

5. The applicant filed material papers with the O.A. viz. Representation dt. 29-8-1989, Representation dt. 13-9-89 of Respondent No.3., Lr.No.18-7-1990 issued to applicant by

8. In view of the observations supra, I direct the applicant herein to furnish the documents with regard to her educational qualifications etc. to the respondents 1 & 2 for considering her case for appointment of compassionate appointment. On receipt of the said information from the applicants, the respondents 1 & 2 are directed to consider the case of the applicant for appointment on compassionate grounds to any suitable *as per rules in* post, within four months from the date of receipt of this Judgment.

9. The O.A. is allowed accordingly, with no order as to costs.

(C.J. ROY)
MEMBER (J)

Dated 14 February, 1992.

grh.

Deputy Registrar (Judl.)

Copy to:-

1. The Divisional Personnel Officer, Personnel Branch, Guntakal Division, S.C.Railway, Guntakal.
2. The Divisional Manager, D.R.M.Section, S.C.Railway, Guntakal Division, Guntakal.
3. One copy to Sri. J. Rangaraj, advocate, 304, Gaganmahal, Durgam Chuda, Hyderabad.
4. One copy to Shri. P.Veera Reddy, Advocate, CAT, Hyd.
5. One copy to Shri. V.Bhimanna, SC for Rlys, CAT, Hyd-bad.
6. One spare copy.

Rsm/-

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12/3/92