

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.758/91

DATE OF JUDGEMENT: 19th FEBRUARY, 1992

BETWEEN

Sri M. Purushothaman

.. Applicant

A N D

1. The Divisional Railway Manager
South Central Railway
Guntakal

2. The General Manager
South Central Railway
Secunderabad

.. Respondents

Counsel for the applicant :: Sri R.K. Suri

Counsel for the respondents :: Sri J. Siddaiah, SC for
Rlys

CORAM:

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

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

This is an application filed by the applicant herein under Section 19 of the Administrative Tribunals Act, to direct the respondents to appoint the applicant as Electrician or Mechanic on compassionate grounds and pass any other orders as may deem 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 herein - Sri M. Purushothaman is the son of Late Sri Madurai who died on 4-9-1960 in harness while working as Engine Fitter at Pakala, Chittoor District. The said Sri Madurai at the time of his death left behind Smt Anna Mary, the mother of the applicant, applicant's sister and the applicant himself, who were all dependents on the said Late Sri Madurai. The applicant is now aged 32 years. He studied upto 4th Class and gained experience in electrical works. The applicant belongs to Scheduled Caste. According to the applicant, he and his mother made representations to the higher authorities for the appointment of the applicant on compassionate grounds but in vain. The applicant finds it difficult to maintain his family as he has no permanent source or livelihood after his father's death. Hence, the present OA, for the reliefs as already indicated above.

T. Chandrasekhara Reddy

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T. Chandrasekhara Reddy

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2. Reply statement is filed by the respondents opposing the said application.

In the reply statement of the respondents, it is maintained that there is enormous delay on the part of the applicant in approaching this Tribunal and this OA is liable to be dismissed. In the copy of the Railway Board's letter No. (E) (NG) II-84/RC1/26 dated 18.4.1985, certain time limit is prescribed for approaching the appropriate authorities with regard to the appointment on compassionate grounds. From the said letter, it is very clear that in the case of staff who die in harness and where the widow cannot take up employment and sons/daughters are minors, the case may be kept pending till the first son/daughter becomes a major i.e. attains the age of 18 years. It is also made clear in the aforesaid letter that, in cases of other nature, such cases can be kept pending for a period of only five years after which, appointment on compassionate grounds will not be permissible. However, in para 3 of the said letter, it is clarified that in cases of death of an employee while in service, compassionate appointment, as permissible under the extant instructions, could be approved by the General Managers even beyond the limit of five years, subject to the conditions specified therein. One of the conditions that is laid down in the said paras of the letter is that the request for compassionate appointment should have been received by the Railway administration as soon as the son/daughter to be considered for compassionate appointment has become a major, say within a maximum period of six months. So, in this case as could be seen

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had
the applicant/ submitted his first representation
on 10-10-1990 to the competent authority to provide
him appointment on compassionate grounds. The
applicant is said to have been aged 4 years at the
time of the death of his father on 4-9-1960. So
according to the statement of the applicant, the
applicant was born in the year of 1956. So
he should have attained majority in the year 1974.
As could be seen from the year 1974 till 10.10.1990,
this applicant does not seem to have approached the
competent authority to provide him appointment on
compassionate grounds. No doubt in the representation
dated 10.10.1990 it is stated that he had been
submitting applications from 1970 onwards to the
authorities concerned to provide appointment to him
on compassionate grounds. But no material is placed
before this Tribunal to show that the applicant,
prior to 10.10.1990, at any time had approached
the competent authority to provide him appointment on
compassionate grounds. The time limit prescribed by the
as per its
Railway Board/letter dated 18.04.1985, referred to above,
stands very much in the way of the applicant to have
the relief he has claimed for in this OA.

3. The applicant, as could be seen, had been
very negligent; even though he attained majority in
the year 1974, no reason is assigned as to
within a reasonable time
why he did not approach the proper forum/ to have the
now
relief which he seeks/ by way of appointment on
compassionate grounds. No explanation is coming from

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To

1. The Divisional Railway Manager,
S.C.Railway, Guntakal.
2. The General Manager, S.C.Railway, Secunderabad.
3. One copy to Mr.R.K.Suri, Advocate
115/3RT, Saidabad Colony, Hyderabad.
4. One copy to Mr.J.Siddaiah, SC for Rlys, CAT.Hyd.
5. One spare copy.

pvm

P.T. stamp
19/4/72

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the applicant for his delay in approaching the proper forum for the relief as prayed for, by him in this OA. The inaction on the part of the applicant is patent. We see laches on the part of the applicant. In view of the negligence, inaction and laches on the part of the applicant, the applicant is not entitled to the relief as prayed for by him. When the application came up for hearing on 12.2.1992, the applicant placed a copy of the representation dated 7.11.91 said to have been sent by the mother of the applicant to the Divisional Personnel Officer, South Central Railway, Guntakal, to provide the applicant appointment on compassionate grounds. In the said representation dated 07.11.91, said to have been submitted to Divisional Personnel Officer, South Central Railway, Guntakal, it is stated that even after lapse of 20 years, in certain cases, the appointing authority had been kind enough to provide appointment on compassionate grounds. So, it is contended that this is a fit case to direct the respondents to consider the case of the applicant for providing appointment on compassionate grounds even though there is abnormal delay on the part of the applicant in approaching this Tribunal. ^{We cannot give any} credence to the statements made in the said representation dated 7.11.91 filed before us on the day of final hearing i.e. on 12.2.1992. Hence, we are not in a position to give directions to the respondents for appointment of the applicant on compassionate grounds in the circumstances of the case.

4. We see no merits in this OA and hence, this OA is liable to be dismissed and is accordingly dismissed. In the circumstances of the case, we direct the parties to bear their own costs.

(T.CHANDRASEKHARA REDDY)
Member (Judicial)

Dated: 19th February, 1992

By Registrar (J)

mvl

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15/2/92 (6)

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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: 19-2-1992

ORDER/JUDGMENT:

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

in

O.A.No.

758/91 ✓

T.A.No.

(N.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.

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