

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.281/92

Date of Order : 28.7.1992.

BETWEEN

Ch. Satyavathi

.. Applicant.

A N D

1. The Secretary, Railway Board,
Rail Bhavan, New Delhi-110 001.

2. General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad - 500 371.

3. Divisional Railway Manager,
South Central Railway,
Vijayawada - 520 001.

.. Respondents.

Counsel for the Applicant

.. Mr. G.V. Subba Rao

Counsel for the Respondents

.. Mr. N. Rajeswara Rao fo

Mr. D. Gopal Rao S.C. & R.L.

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUD L.)

(Order of the Single Member Bench delivered by

Hon'ble Shri T.Chandrasekhara Reddy, Member (Jud L.).

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to provide compassionate appointment to the son of the applicant who is one Ch. Nagendra Rao in any suitable group 'C' post consistent with academic and technical qualifications.

The facts giving rise to this OA in brief are as follows:

2. The applicant's husband was appointed as Khalasi in the Railways (S.C.Rly.) on 1.10.1953. According to the applicant her husband was promoted as Engine Cleaner and while working as Fireman 'C' the applicant's husband is said to have died in the year 1970. So, we may point out here that the cause of action arose as early as in the year 1970. According to the applicant at the time of the death of her husband she had two daughters and one son. The two daughters of the applicant got married and they are living with their husbands. The 3rd issue who is the son is said to have attained majority on 19.6.1981. So as early as on 19.6.1981 the son of the applicant became eligible for appointment on compassionate grounds. The grievance of the applicant is that the respondents had not provided appointment on compassionate grounds to her son and so the present application is filed for the relief indicated above. So it can be stated in view of the facts in the OA that the grievance of the applicant relates to the year 1970 as well as to the year 1981.

3. We have heard today Mr. G.V. Subba Rao, Advocate for the applicant and Mr. N. Rajeswara Rao for Mr. D. Gopal Rao, Standing Counsel for the respondents.

4. It is now well settled that with regard to the grievance prior to 2.11.1982 that this Tribunal does not have

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jurisdiction to entertain ~~this~~ OA. As this Tribunal does not have jurisdiction to entertain this OA this OA is liable to be rejected.

5. It is the case of the applicant that she had been making repeated representations to the respondents for providing appointment on compassionate grounds and that her claim had been rejected on 28.11.1990.

6. MA.381/92 is filed on behalf of the applicant to condone the delay of 3½ months in filing this OA. According to the counsel for the applicant that from 28.11.1990 which is the date of rejection orders of the respondents that there is only 3½ months delay in filing this OA and so the delay in filing this OA is liable to be condoned. As the grievance, as already pointed out, is prior to 2.11.1982 we do not have jurisdiction to deal the application ~~MA.389/92~~ on merits. Hence MA.389/92 is filed to condone the delay is also liable to be rejected and is accordingly rejected.

7. Mr. G.V. Subba Rao contended that this matter may be placed before the Division Bench as this OA is being rejected. It is only during the course of the arguments that the said submission was made by Mr. G.V. Subba Rao. But the recent instructions from the Chairman, Central Administrative Tribunal show, regarding the subject/subjects that would be dealt by a Single Member that appropriate orders including orders of rejection could be passed at the admission stage by a Single Member. So in view of this position we do not find that there is any need to place this matter before Division Bench.

8. Mr. G.V. Subba Rao next contended that an observation may be made in this order giving ~~to the applicant~~ liberty to approach proper forum i.e. the High Court to obtain appropriate relief. The applicant is always at liberty and has a right to approach

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the proper forum for legal remedy. Hence no specific direction nor permission need be given on the said aspect.

9. For all the reasons mentioned above we reject the OA as not maintainable under the provisions of 19(3) of the Administrative Tribunals Act. There shall be no order as to costs.

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 28th July, 1992.
(Dictated in the Open Court)

830792
Deputy Registrar (J)

To

1. The Secretary, Railway Board, Rail Bhavan, New Delhi-1.
2. The General Manager, South Central Railway,
 Railnilayam, Secunderabad-371.
3. The Divisional Railway Manager, S.C.Rly, Vijayawada-1.
4. One copy to Mr.G.V.Subba Rao, Advocate, CAT.Hyd.
5. One copy to Mr.D.Bopal Rao, SC for Rlys, CAT.Hyd.
 SD
6. One spare copy.

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for filing*

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.
THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 28-7-1992

ORDER/JUDGMENT

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

in

O.A.No. 281/92

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.

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