

(D6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO. 595/92

DATE OF JUDGEMENT: 26 MARCH, 1993

Between

I. Narsamma

I. Venkatesh

.. Applicants

and

1. General Manager,
South Central Railway
Secunderabad-3

2. Chief Workshop Manager, SCRly
Lalaguda
Secunderabad-3.

.. Respondents

Counsel for the Applicant

: Mr. S. Laxma Reddy

MR. S. LAXMA REDDY

Counsel for the Respondents

: Mr. V. Bhimanna, SC for
Rlys

CORAM:

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

JUDGEMENT

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents, to appoint the 2nd applicant for any suitable job on compassionate grounds with immediate effect and with all consequential benefits and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The facts giving rise to this OA in brief, may be stated as follows:

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3. The first applicant herein is the wife of one Sri Pochaiah. The said Pochaiah who was working as ^{II} H.S.K Painter ~~in the~~ was declared medically unfit by the proceedings dated 28.7.83 passed by the Additional Chief Mechanical Engineer, Lalguda. The said Pochaiah died on 8.10.88.

4. The second applicant herein is said to have been ~~and his wife (the first applicant herein)~~ adopted by the said Pochaiah ~~when the second applicant~~ was aged one month. According to both the applicants, the second applicant had been brought up and educated by the first applicant and her husband, ~~→~~ (Pochaiah), by treating the second applicant as their own son. So, the present OA is filed by both the applicants jointly to provide an appointment on compassionate grounds to the 2nd applicant.

5. Counter is filed by the respondents opposing this OA. We have heard Mr. S. Lakshma Reddy, Advocate for the applicant and Mr. N.R. Devraj, Standing Counsel for the respondents.

6. In the counter filed by the respondents, it is maintained that on 10.8.87, the said Pochaiah had declared that he had two sons namely Babu and Venkatesh. Of course, the name Venkatesh has got reference to the 2nd applicant herein. It is the contention of the respondents that the applicant is not the adopted son of the said Pochaiah as the said Pochaiah has a son by name Babu and hence, this OA is liable to be dismissed.

7. On behalf of the applicants, a submission was made seeking permission to withdraw this OA to enable the applicants to institute proceedings in the Competent Civil Court for declaration that the 2nd applicant is the adopted son of the deceased Government employee and the first applicant herein. The counsel for the applicant further submitted that the 2nd applicant should be left with liberty to make a representation to

To

1. The General Manager, S.C.Rly, Secunderabad-3.
2. The Chief Workshop Manager, S.C.Rly, Lalaguda, Secunderabad-3.
3. One copy to Mr.S.Lakshma Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
5. One spare copy.

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the respondents for compassionate appointment, after a declaration is obtained in his favour and a further direction to the respondents, not to reject the representation of the 2nd applicant if made in such circumstances on the only ground that that the representation is barred by time.

8. After hearing both sides, in view of the special circumstances, we grant permission to the applicants to withdraw this OA to enable the 2nd applicant to file a suit in the competent civil court, in which the respondents in the present OA should also be impleaded as respondents along with the first applicant and the said Babu, (to whom a reference is already made) in the civil suit that is filed before the Competent Civil Court. In case, the 2nd applicant succeeds obtaining declaration that he is the adopted son of the said Pochaiah, it is open to the second applicant to submit a fresh representation to the respondents herein for providing appointment on compassionate grounds and on ~~receipt~~ receipt of such representation, the respondents shall consider the said representation in accordance with law without rejecting the same on the grounds of limitation or delay.

9. In view of the circumstances of the case, we also permit the applicant to approach this Tribunal once again, on the same cause of action on which this OA is filed. OA is disposed of accordingly with no orders as to costs.

T. C. (T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 26-3 1993

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Deputy Registrar (J)

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CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. R. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

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

DATED: 26 - 3 - 1993

~~ORDER~~ JUDGMENT

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

in

O.A. No.

595 | 92

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

Admitted

issued.

Allowed.

Dismissed

260 *Journal of Health Politics*

No evidence of a bias

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