

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A. No. 10/93

Date of Order: 13.10.1993

BETWEEN:

D. Vinayaka Rao

.. Applicant

AND

1. The Secretary to Government & Ex. Officio Chairman, Rly. Board, New Delhi.
2. General Manager, South Central Railway, Rail Nilayam, Secunderabad.
3. Divl. Rly. Manager, South Central Railway, Vijayawada.

.. Respondents.

Counsel for the Applicant

.. Mr. K. S. R. Anjaneyulu

Counsel for the Respondents

.. Mr. D. Gopal Rao

CORAM:

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

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~~and his son~~  
said to be studying in college respectively. ~~So~~, one of the sons of the said Lakshmaiah is already in a government job that ~~is~~ working in a gazetted post. So It cannot be said that the family is ~~in~~ placed of such circumstances as to require an appointment on compassionate grounds without which the family will not be able to survive. As could be seen the said Lakshmaiah seems to have put in service of about  $31\frac{1}{2}$  years. So, the said Lakshmaiah should have got full pensionary benefits. Admittedly it is only after completion of 51 years age that the said Lakshmaiah had retired on medical invalidation grounds. So, as the said Lakshmaiah had received full pensionary benefits and as already pointed out as the eldest son is in a government job it may not be fare to give a direction to the respondents to consider the applicant herein for appointment on compassionate grounds. The action of the respondents in rejecting the claim of the applicant for compassionate appointment in this case appears to be valid. Hence C.A. is rejected. There shall be no order as to costs.

CERTIFIED TO BE TRUE COPY

..... *R. P. 27/3*  
Date..... Court Officer  
Central Administrative Tribunal  
Hyderabad Bench  
Hyderabad.

(MC)

6. In the counter filed by the respondents it is maintained that the applicant has six sons. The eldest among them is one D.Koteswara Rao. The applicant herein is the 3rd son of the said Lakshmaiah. The applicant is said to have passed B.A. and is said to be unemployed.

7. In the counter affidavit it is maintained that D.Koteswara Rao ~~is~~ the first son of D. Lakshmaiah is aged about 37 years and is working as Veterinary Doctor at Hubli. During the course of hearing of this O.A. an attempt was made by Mr.K.S.R.Anjaneyulu, counsel for the applicant to show that the said D.Koteswara Rao is not the natural son of the said Lakshmaiah but is <sup>adopted</sup> son of the said Lakshmaiah. ~~The said certificate~~ of the Mandal Revenue Officer ~~is~~ dated 15.5.1993. No material is placed before us by the applicant to show that his father (Lakshmaiah) was treating the son D.Koteswara Rao is <sup>as</sup> ~~the~~ <sup>adopted</sup> son. It appears to us that the said Lakshmaiah had been treating the said Koteswara Rao as his natural son while in service. So, in view of this position, we are not inclined to hold that the said Koteswara Rao is the ~~adopted~~ son of the said Lakshmaiah and <sup>we</sup> ~~they~~ are also not prepared to place any reliance on the certificate said to be issued by M.R.O. describing the said Koteswara Rao as <sup>the</sup> ~~a~~ natural son of the said Lakshmaiah. So, for all purpose it can be taken that one of the ~~family~~ members of the family of the applicant is working as a Veterinary Doctor which is <sup>a</sup> Gazetted post. As could be seen from the counter the second son of <sup>Lakshmaiah</sup> ~~the deceased~~ has studied up to B.Com, 4th son of <sup>Lakshmaiah</sup> ~~the deceased~~ is said to be studying B.Tech., whereas the 5th and 6th sons are

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: 5 :

## Copy to:-

1. The Secretary to Government & Ex. Officio Chairman, Railway Board, New Delhi.
2. General Manager, South Central Railway, RailNilayam, Secunderabad.
3. Divisional Railway Manager, South Central Railway, Vijayawada.
4. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
5. One copy to Sri. D.Gopala Rao, SC for Railways, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

1st sheet  
Part Q.2  
Rsm/-

W6

: 5 :

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- ~~7. One spare copy.~~

10th Sept  
Post of G. 27  
Rsm/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.  
O.A. NO. 10 of 1993.

Between

Dated: 6.1.1993.

D. Vinayaka Rao.

Applicant

And

1. The Secretary to Government, & Ex. Officio Chairman, Railway Board, New Delhi.
2. General Manager, South Central Railway, Rail Nilayam, Sec-bad.
3. Divisional Railway Manager, South Central Railway, Vijayawada.

... Respondents.

Counsel for the Applicant : Sri. K.S.R. Anjaneyulu

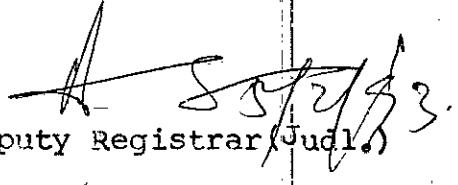
Counsel for the Respondents : Sri. SC for Rlys.

CORAM:

Hon'ble Mr. T. Chandrasekhar Reddy, Judicial Member

The Tribunal made the following order:-

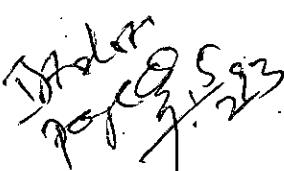
Mr. K.S.R. Anjaneyulu, for the applicant is present. Heard Issue notice to the respondents for admission hearing and list this OA on 19.2.1993. The respondents will be at liberty to file their counter in the meanwhile with a copy to the advocate for the applicant. The respondents shall make it clear whether the family of a govt. employee who had retired on medical invalidation grounds after he had completed 57 years of age is entitled for any appointment on compassionate grounds.

  
Deputy Registrar (Judl.)

Copy to:-

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3. Divisional Railway Manager, South Central Railway, Vijayawada.
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5. One copy to Sri. SC for Railways, CAT, Hyd.
6. One spare copy.

RSM/-

  
Hyderabad  
07.01.1993

07/10/93  
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO : V.C.

AND

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

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY  
: MEMBER (J)

AND

THE HON'BLE MR.

DATED: 6/1/1993

ORDER/JUDGMENT:

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

A. No. \_\_\_\_\_

10793

T. A. No. \_\_\_\_\_

(W. P. No. \_\_\_\_\_)

Admitted and Interim directions  
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs

pvm

Central Administrative Tribunal

DESPATCH

5 FEB 1993

HYDERABAD BENCH.