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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

A N D

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.)

T.C.R.

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+

high school
said to be studying in college respectively. ~~so~~, one
of the sons of the said Lakshmaiah is already in a
government job that ~~for~~ working in a gazetted post. So
It cannot be said that the family is ~~in~~ place ⁱⁿ 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 31½ years. So, the said
Lakshmaiah should have got full pensionary benefits.
*Vm 27/12
re word?* Admittedly it is only after completion of 51 years age
that the said Lakshmaiah had retired on medical invalida-
tion 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

Date.....

[Signature]
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

27/12

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 the ^{portended} son of the said Lakshmaiah. ^{placed by me} ~~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 as ^{as his portended} ~~the~~ 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 ~~portended~~ ^{we} son of the said Lakshmaiah and ~~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 ^{the portended} ~~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 ^a Gazetted post. As could be seen from the counter the second son of ^{Lakshmaiah} ~~the deceased~~ has studied up to B.Com, 4th son of ^{Lakshmaiah} ~~the deceased~~ is said to be studying B.Tech., whereas the 5th and 6th sons are

T. C. V.

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 the ^{portended} son of the said Lakshmaiah. ^{placed by the} ~~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 as ^{as his portended} the 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 ^{portended} son of the said Lakshmaiah and ^{we} ~~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 ^{the portended} 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 Gazetted post. As could be seen from the counter the second son of ^{Lakshmaiah} ~~the deceased~~ has studied up to B.Com, 4th son of ^{Lakshmaiah} ~~the deceased~~ is said to be studying B.Tech., whereas the 5th and 6th sons are

: 5 :

Copy to:-

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

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P. S. R. S. M. / -

: 5 :

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P. 2/1/1
Rsm/-

(12) (22)

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

Between

Dated: 6.1.1993.

D.Vinayaka Rao.

...
And

Applicant

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.

A 8572/93.
Deputy Registrar (Judl.)

Copy to:-

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RSM/-

Handwritten notes:
17/1/93
7.2.93

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TEMPED BY

COMPAREL 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 SEKHA REDDY
:MEMBER(J)

AND

THE HON'BLE MR.

DATED: 6/1/ -1993

ORDER/JUDGMENT:

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

A.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.