

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A. 1009/93.

Dt. of Decision : 05-12-96.

V.Subba Rao

.. Applicant.

Vs

1. The Divl.Mech.Engineer, C&W
SC Rly, Guntakal.

2. The Divl.Railway Manager,
SC Rly, Guntakal.

.. Respondents.

Counsel for the Applicant : Mr. V.Krishna Rao

Counsel for the Respondents : Mr. C.V.Malla Reddy, SC for Rlys

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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3. The respondents in the reply stated that one Mr.V. Venkataswamy was working as Gangman under Permanent Way Inspector/Giddalur and he expired on 28-10-90 while in service, that the widow Smt.V.Murthamma had submitted an application dated 5-4-91 for appointment to her son Sri Subba Rao on compassionate grounds, that his case was processed as the son of the deceased ~~and~~ on compassionate grounds, he was appointed as C&W Khalasi under Carriage and Wagon Superintendent, Tirupathi, that at any point of time neither the applicant nor his mother have informed the respondents that the applicant was ^{the} adopted son of Late V.Venkataswamy, that therefore the respondents could not go into the varacity of the case, that the claim of the applicant that he ~~had~~ ^{was} passed IX class in 1985 from Zilla Parishad High School, Tubadu, Guntur District is false, that the Head Master of the said high school vide his letter dated -6-92 ~~has~~ certified that at no point of time the candidate ^{by} name Mr.V.Subba Rao had studied in the school and the transfer certificate produced by the applicant was not issued by the said school, that as per the ~~service~~ conditions of service only sons/daughters and widows are entitled for appointment on compassionate grounds, that the applicant was not the son of Mr.V.Venkataswamy, that therefore a show cause notice was served on him for termination of service, that inspite of served notice on 8-7-92, the applicant failed to submit any representation within the stipulated time, that after the expiry of 14 days from 8-7-92 the services of the applicant terminated w.e.f., 22-7-92 vide order No.G/P.721/AC/YSL/4/91. dated 17-7-92 (Page-4), that the applicant was on unauthorised absence from 8-7-92 to 17-7-92 and reported for duty on 18-7-92, that from 22-7-92 he was discharged from ^{his} duties, that Railway Board's circular dated 4-9-86 is not applicable in ~~this~~ ^{the} case of the applicant, that there is no documentary evidence to show that the applicant is the adopted son of the deceased Mr.V.Venkataswamy that the applicant had not produced any documentary evidence to show that he was the adopted son. Hence,




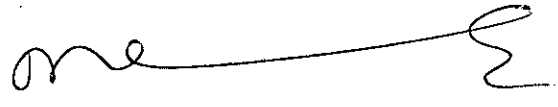
under the rules governing appointment on compassionate grounds, the applicant was not entitled to any appointment, that the applicant got the appointment by giving false declaration.

4. During the course of arguments, we requested the learned counsel for the applicant to produce the original application submitted by the applicant for appointment on compassionate grounds. In the said application, the applicant had not specifically stated that he was the adopted son of Mr.V.Venkataswamy or he had not stated the change of surname or father's name in the application, that the application submitted for appointment on compassionate ground is the original application, that can be considered whether the applicant had submitted a false information or not. From the applicastion it is clear that the applicant had not furnished the requisite information to the authorities. It is the case of the authorities that ^{during} ~~in~~ enquiry ^{it was} ~~to~~ found that the applicant was not the adopted son of Mr.V.Venkataswamy and that therefore a show cause notice was issued to him and the services were terminated.

5. We find, no illegality or irregularity in terminating the services of the applicant. The applicant himself had furnished incorrect information and got the appointment therefore we do not find any reasons to interfere with the impugned order terminating the service of the applicant.

6. In view of the above, the OA is dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.) *Shub*


(R. RANGARAJAN)
MEMBER(ADMN.)

dy Registrar (3)

Dated : The 5th December 1996.
(Dictated in the Open Court)

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Copy to:-

1. The Divisional Mechanical Engineer, C&W, S.C.Rly, Guntakal.
2. The Divisional Railway Manager, South Central Railway, Guntakal.
3. One copy to Sri. V.Krishna Rao, Advocate, CAT, Hyd.
4. One copy to Sri. C.V.Malla Reddy, SC for Rlys, CAT, Hyd.
5. One copy to Hon'ble Sri. B.S.Jai Parameshwar, Judicial Member, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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3/1/97

II COURT HYDRABAD BENCH HYDRABAD

TYPED BY _____ CHECKED BY _____
COMPILED BY _____ APPROVED BY _____

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDRABAD BENCH HYDRABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED: 5/12/46

ORDER/JUDGEMENT

R.A./C.P./M.A. NO.

S.A. NO. 1009/93

- ADMITTED AND INTERIM DIRECTIONS ISSUED
- ALLIED
- DISPOSED OF WITH DIRECTIONS
- ~~DISMISSED~~
- DISMISSED AS WITHDRAWN
- ORDERED/REJECTED
- ~~NO ORDER AS TO COSTS.~~

II COURT

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दस्तावेज/DESPATCH
- 1 JAN 1997
हैदराबाद बेंच
HYDRABAD BENCH