

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1034/93

Date of Order: 27.5.1994

BETWEEN:

I. Joseph Prabhakar

.. Applicant.

A N D

1. The General Manager,  
Secunderabad Railway,  
Secunderabad (AP).
2. The Divisional Railway Manager  
(Personnel), South Central Railway,  
Vijayawada, (AP).

.. Respondents.

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Counsel for the Applicant

.. Mr. M. P. Chandramouli

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Counsel for the Respondents

.. Mr. G. S. Sanghi

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CORAM:

HON'BLE SHRI A. B. GORTHI : MEMBER (ADMN.)

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Heard learned counsel for both the parties.

2. This is an application praying for an appointment on compassionate grounds. The applicant, aged about 20 years is the son of late Victor Samuel who expired on 13.1.1981 while in service as ~~employee~~. At the time of the death of the employee, the applicant was only 8 years old. The young widow brought up the child with great difficulty and educated him upto Intermediate. Presently the widow is not keeping good health and the applicant is without job.

3. In March 1990 the mother of the applicant submitted a representation to the authorities concerned requesting them to give appointment to the applicant. Her request was finally turned down by the competent authority on the ground that it was a belated one.

4. The date of birth of the applicant is 5.7.73. There could not ~~have~~<sup>been</sup> any request for compassionate appointment immediately after the death of his father in 1981. As ~~seen~~ as the applicant was 18 years old, his mother took immediate steps to approach the authorities concerned for appointing her son on compassionate grounds. In these circumstances it would not be fair to reject the case of the applicant on the ground that the request was made belatedly. The respondents ought to have investigated the circumstances <sup>of the case</sup> to examine whether the family of late Victor Samuel suffered from such financial indigency as would warrant and justify giving appointment to the applicant on compassionate grounds.

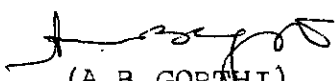
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5. Learned counsel for the respondents has drawn our attention to a copy of the Railway Board's letter dated 18.4.85 which provides for ~~a~~ relaxation of the limit of 5 years within which ordinarily applications for compassionate appointments should be made. It provides for such relaxation to be granted personally by the General Manager. Consequently it is now open for the respondents to have the present case examined objectively at the level of the General Manager.

6. In view of the afore-stated the respondents are hereby directed to examine the case of the applicant <sup>at an appropriate level</sup> afresh to satisfy themselves that the family of the applicant is in such financial situation as would justify <sup>his</sup> ~~an~~ appointment on compassionate grounds. Based on such fresh examination, the respondents shall pass suitable orders keeping in view the circumstances of the case. Respondents to comply with these directions within a period of 3 months.

7. O.A. is disposed of without any order as to costs.

  
(A.B. GORTHI)  
Member (Admn.)

Dated: 27th May, 1994

(Dictated in Open Court ) Deputy Registrar(J)CC

To

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1. The General Manager, S.C.Rly, Railnilayam, Secunderabad(AP)
2. The Divisional Railway Manager, (Personnel) S.C.Rly, Vijayawada(AP).
3. One copy to Mr.M.P.Chandramouli, Advocate, CAT.Hyd.
4. One copy to Mr.G.S.Sanghi, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

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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. A. B. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. TOCHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: *27-5*-1994

ORDER/JUDGMENT

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

in

O.A.No. *1034/93.*

T.A.No. (w.p. )

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

