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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1445/93.

Dt. of Decision : 19-8-94.

Mr. N. Sanker Singh

.. Applicant.

Vs

1. The Divisional Railway Manager,
SC Rly, Guntakal.
2. The Sr. Divl. Personnel Officer,
SC Rly, Guntakal.

.. Respondents.

Counsel for the Applicant : Mr. PVSSS Rama Rao

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

CORAM:

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

O.A.NO.1445/93.

JUDGMENT

Dt: 19.8.94

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE))

The applicant herein is the son of Shri N.Krishna Singh who was working as Chief Clerk in the Personnel Branch of South Central Railway, Guntakal. He had rendered 32 years of service in the Railway Administration but was missing from April 1990. His whereabouts are not known even today. As the efforts made by the family members to trace the employee did not succeed, the matter was reported to the Railway Police, Tirupathi Railway Station on 1.9.91/21.9.91 but the Police issued a certificate dated 6.5.1993 that the employee could not be traced and the case is 'undetectable'.

2. The request for the applicant herein is for grant of compassionate ground appointment to him. The mother of the applicant made a representation to R-1 for giving compassionate ground appointment to the applicant herein but no reply has been received. In view of the above, ~~she~~ he has filed this OA praying for compassionate appointment to him and other consequential benefits.

3. The respondents in their reply affidavit have stated that as the employee was absent with effect from 21.4.1990, departmental proceedings were initiated and they were held exparte. At the end of the inquiry, the

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competent authority dismissed the employee from service with effect from 21.11.1991. Accordingly, the respondents contend that the applicant is not entitled for family pension but no reply in regard to the compassionate ground appointment is given.

4. I have heard Shri PVSSS Rama Rao, learned counsel for the applicant and Shri C.V:Malla Reddy, learned standing counsel for the respondents. The policy letter governing this issue is, the letter No.E(D&A) 91 RG 6-41, dated 22.8.1991. As per this letter, it has been categorically clarified that in case where disciplinary action has been initiated in respect of a missing employee on the charge of absence without leave, disciplinary proceedings as also penalty awarded shall have to be annulled by the competent authority and action is required to be taken to treat the case as that of a missing employee for the purpose of granting pensionary benefits and compassionate ground appointment. But, this letter has to be read in conjunction with the policy letters dated 19.9.1986 and 27.3.1991.

5. When the mother of the applicant filed OA No.1108/93 for family pension, this Tribunal had directed R-1 in that OA to dispose of the case in the light of the policy matters issued by the Railway Board. As the case of granting compassionate ground appointment is also governed by the Railway Board letter dated 22.8.1991, I feel it fit and proper to dispose of this case also on the same lines.

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6. In view of the aforesaid, this OA is disposed of with a direction to the respondents to take action to annul the award of dismissal from service in accordance with the rules and in terms of the Railway Board Policy letter dated 22.8.1991 and to further consider the case of the applicant for compassionate ground appointment taking the financial status^{of the family} and other relevant matters into consideration. In case, R-1 is not competent to grant compassionate ground appointment, he may send the case to the competent authority for a decision on the lines indicated above. The above direction shall be complied with within a period of five months from the date of receipt of the judgment.

7. The OA is disposed of accordingly. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 19th August, 1994.
Open court dictation.


Deputy Registrar(J)CC

To vsn

1. The Divisional Railway Manager,
S.C.Rly, Guntakal.
2. The Sr.Divisional Personnel Officer,
S.C.Rly, Guntakal.
3. One copy to Mr.P.V.S.S.S.Rama Rao, Advocate, CAT.Hyd.
4. One copy to Mr.C.V.Malla Reddy, SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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Revised
TYPED BY

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COMPARED 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. RANGARAJAN : M (ADMIN)

DATE: 19-8-1994

~~ORDER~~/JUDGMENT

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

in

O.A.No.

1445/93

(T.A.No.

(W.P.No

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

NO SPARE COPY

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