

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

Smt.B.Krishna Vijayalakshmi

....Applicant

Vs.

1. Sr. Divisional Personnel Officer.
2. Sr. Divisional Electrical Engineer,
SC Rlys, Vijayawada-520 001.

.....Respondents

Counsel for the Applicant : Shri G.V.Subba Rao

Counsel for the Respondents : Shri T.D. Gopal Rao SC for Rlys

CORAM:

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

....2.

O.A. 1537/93

Dt. of Decision : 28.3.94

ORDER

I As per Hon'ble Shri A.B. Gorthi, Member (Admn.) I=

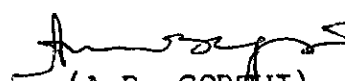
This is an application from the widow of Late

The applicant's husband joined South Central Railway as a Casual Labour but was regularly absorbed as Electrical Khalasi on 24.3.1977. He was promoted to semi skilled grade of Electrical Khalasi Helper. He however died on 16.8.1990. The applicant approached the authorities concerned for giving her appointment on compassionate grounds but the respondents rejected her request without assigning any reason.

2. In their reply affidavit, the respondents clarified that on receipt of the applicant's request for appointment on compassionate grounds, the Welfare Inspector was ~~repeatedly~~ asked to investigate the case. During the investigation it came to light that Late B. Haranadha Babu had first married one lady by name Sita Mahalaxmi alias Anuradha. The said Sita Mahalaxmi staked her claim for family pension etc., She also filed a Civil Suit in the Court of District Munsiff Kovvur claiming to be the legally wedded wife of Late B. Haranadha Babu and claiming to be entitled to family pension etc., on the death of her husband. The respondents' contention is that in view of this development, it was decided not to entertain the request of the applicant for appointment on compassionate grounds.

3. In view of the afore stated we find that the decision of the respondents cannot be assailed as either arbitrary or unfair or illegal. The question as to the legal validity of the marriage of the applicant ^{with} B.Haranadha Babu has to be decided through a judicial ^{verdict} ~~authority~~ before the respondents can consider her case for appointment on compassionate grounds. As the Civil Suit filed by Smt. Sita Mahalaxmi is pending before the Court of the District Munsiff, Kovvur, this application may be disposed of with an observation that ~~pending on the decision~~ depending upon the judgement, it would be open to the applicant to proceed further in the matter of her appointment on compassionate grounds.

4. The application ^{is} ~~thus~~ disposed of without any order as to costs.


(A.B. GORTHI)
MEMBER (ADMN.)

Dated : The 28th March 1994
(Dictated in Open Court)

spr


Deputy Registrar (J) CC

To

1. The Senior Divisional Personnel Officer, S.C.Rly, vijayawada-1.
2. The Sr.Divisional Electrical Engineer, S.C.Rlys, vijayawada-1.
3. One copy to Mr.G.v.Subba Rao, Advocate, CAT.Hyd.
4. One copy to Mr.J.v.Gopal Rao SC for Rlys, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One sparecopy.

pvm

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELAKANTH
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY
(AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR
MEMBER

AND

THE HON'BLE MR. B. RANGARAJAN

Dated: 28-3-1994

ORDER/JUDGMENT

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

in

O.A.No.. 1537/93.

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.

pvm

