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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
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O.A. 892/94.

Dt. of Decision : 6-9-94.

S. Govinda Raju

.. Applicant.

Vs

1. The Divl. Personnel Officer,  
SE Rly, Waltair,  
Visakhapatnam.

2. The South Eastern Railway,  
rep. by the General Manager,  
Eden Gardens, Calcutta.

.. Respondents.

Counsel for the Applicant : Mr. Noor for Mr.M.Jagannatha Sarma

Counsel for the Respondents : Mr. N.R.Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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QA 892/94.

Dt. of Order: 6-9-94.

(Order passed by Hon'ble Shri A.V. Haridasan,  
Member (A) ).

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The applicant Sri S. Govinda Raju, aged 27 years is the son of late Sri Jagannadha Rao, who while working as Grade-I Fitter at Visakhapatnam, under the Respondent No.1 died on 3-5-92. Shri Jagannadha Rao left behind him the applicant, his step mother viz., Smt. Sathyavathi and two sons born to Jagannadha Rao's second wife. The applicant made a request for employment assistance on compassionate grounds on the ground that as he is the only person educationally and technically qualified and as that the family has no other means to fall back upon, he may be appointed in a suitable post on compassionate grounds so that the family of the deceased Jagannadha Rao would be able to pull on without difficulty. Finding no response to his representation, the applicant got issued a lawyer notice on 6-12-93. Though the applicant was called upon to send his School Leaving Certificate and though he complied with that direction he has not received any further communication. It is in these circumstances, the applicant has filed this application praying that the Respondents may be directed to appoint the applicant on a suitable post on compassionate grounds.

....3.

2. Heard Shri Noori, on behalf of Shri M.Jagannadha Sarma, learned counsel for the applicant. Though on the date of previous hearing/a notice was issued to the Respondents directing them to file reply within four weeks, i.e. on 29-7-94 no such reply has been filed but Shri Devraj, learned standing counsel for the Respondents has submitted that he has been instructed by the Respondents that the Railway Administration is prepared to give compassionate appointment to one of the deceased family member and that the applicant cannot be offered appointment as Smt.Satyavathi, wife of late Shri Jagannadha Rao, who was saddled with the responsibility of looking after herself and her two sons has also applied for appointment for herself and as the applicant has not produced no objection certificate from Smt.Satyavathi. Shri N.R.Devraj further submits that if Smt.Satyavathi agrees that the applicant may be given an appointment on behalf of the deceased family, the Railway Administration has no objection in appointing the applicant. If she insists on getting appointment for herself she has to be preferred. The above statement of Shri Devraj, made in the bar was really read out from the draft counter supplied by the Railway Administration in the form of para-wise comments to the Original Application.

3. From what is read out by Shri Devraj, it has come out that the Railway Administration is convinced about

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the indigent circumstances of the deceased family and that the family needs immediate employment assistance on compassionate grounds. The only obstruction for the appointment being made is the rival claims put forth by the applicant on one hand and the widow of the late Sri Jagannadha Rao on the other hand. The applicant is aged 27 years and is qualified having passed SSC and ITI examinations, whereas the younger brothers of the applicant even according to the allegations in the application are not qualified. If the applicant undertakes to look after the family of late Shri Jagannadha Rao and if the widow is confident that the applicant would be a source help to the family, the Railway Administration would not have any difficulty in appointing the applicant. But so long as that confidence is lacking, the Railway Administration would be justified in offering appointment to the widow as she has got the liability to look after the sons who are younger than the applicant. Under these circumstances as suggested by learned counsel for the Respondents,

I am of the considered view that the application may be disposed of with proper directions to the applicant as well as Respondents. In the result, the application is admitted and disposed of with the following directions :-


(a) the Respondent No.1 shall within a period of one month from the date of receipt of this order, issue notices to the applicant as well as Smt.Satyavathi, the widow of deceased Sri Jagannadha Rao, to appear before him or any person authorised by him in that behalf;

(b) the applicant and Smt.Satyavathi should appear before the Respondent No.1 or the person authorised by him in that behalf. If Smt.Satyavathi agrees that the applicant may be appointed on compassionate grounds, the applicant may be considered for compassionate appointment; if he is otherwise found suitable on a post within a period of two months from that date thereof;

there.  
(c) if there is no such agreement and if Smt.Satyavathi insists that she should be given compassionate appointment, the compassionate appointment may be made in favour of Smt.Satyavathi, subject to fulfilment of other terms and conditions;

(d) the final decision in the matter has to be taken and consequent order should be issued within 3 months from the date of communication of this order.

4. There is no order as to costs.

  
(A.V. HARIDASAN)  
Member (J)

Dt. 6th September, 1994.  
Dictated in Open Court.

*Arjun*  
*Dy. Registrar (J)*

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OA 892/94

Typed by  
Checked by

Compared by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(D)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

Dated: 6/9/94

ORDER/JUDGMENT.

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

in

O.A.NO.

892/44

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with Directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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