

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1429/94

Date of Order: 6.3.97

BETWEEN :

Smt. K.Kanthamma

.. Applicant.

AND

1. The General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad.
2. The Divisional Railway Manager,
(Personnel), S.C.Rly.,
Sanchalan Bhavan, Secunderabad.
3. The Senior Divisional Engineer,
S.C.Rly., Kazipet, Warangal Dist.
4. The Loco foreman, S.C.Rly.,
Kazipet, Warangal Dist.

.. Respondents.

Counsel for the Applicant

.. Mr.N.Krishna Rao

CORAM:

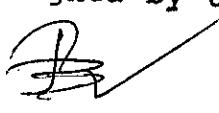

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

counsel for the Applicant and Mr.Krishna Mohan for Mr.J.R.GopalRao
learned standing counsel for the Respondents.

2. The applicant in this OA is the widow of one late Sri Papaiah Narasiah who died on 24.3.85 in a road accident while working as Driver 'C' at Kazipet under R-2. The road accident had not occurred while on duty. The applicant left behind him his widow and 3 daughters. The first and the third daughters of as per record in her OA submits that both of them were married in 1990. But Annexure R-1 signed by the applicant shows that the above

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mentioned two daughters were married in 1976 and 1984 respectively. She filed a representation to R-1 and R-2 for appointing her second daughter Ms. Yasoda on compassionate ground appointment as her husband had died while in service. It is stated that Ms. Yasoda was born in the year 1964 and her first representation for appointing the said Ms. Yasoda on compassionate grounds was dt. 12.6.90. Since ^{by} that time 5 years had passed after the death of her husband, the case was referred to the Railway Board for considering her case for compassionate ground appointment which was rejected by letter No. P/SC/268/MR/92/460, dated 6.8.93 (Annexure R-II) by R-1.

3. In the ^{present} application it is stated that Ms. Yasoda, her second daughter, for whom the compassionate ground appointment is asked for is Physically handicapped and the nature of disability is expected to be 25%. Ms. Yasoda has passed S.S.L.C. in April 1990. The applicant further states that they are placed in indigent ~~circumstances warranting compassionate ground appointment.~~

4. This OA is filed for setting aside the impugned order rejecting her claim for appointment on compassionate grounds to her second daughter Ms. Yasoda and for a donsequential direction

5. The respondents have filed a reply. The main contention of the respondents is that the representation is received belatedly i.e. 5 years after the death of her husband. Hence in terms of Railway Board's letter No. P/SC/268/MR/92/460, Vol. III, dt. 8.7.85 (Annexure R-III) such belated applications cannot entertained for grant of compassionate ground appointment. The Railway Board ~~who~~ is the competent authority to consider the compassionate ground appointment ~~when~~ applied belatedly had considered her case and rejected the same in view of the letter

Reply Board

De

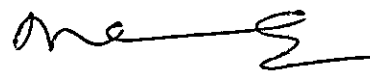
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dt. 8.7.95. There is no other reason given in the reply for rejection of the compassionate ground appointment.

6. Though the applicant in this OA submits that her second daughter is Physically Handicapped it appears that this factor was not brought to the notice of the respondents earlier. The applicant has also not given a detailed discription of her indigent circumstances. There is a quota available for Physically handicapped persons. If Ms.Yasoda, the second daughter of the applicant for whom the compassionate ground appointment is asked for is really a P.H. person and fulfils all the conditions for considering her case for appointment against P.H. quota the rejection of her earlier representation for appointment against compassionate ground may be reviewed as the twin ^{objectives} ~~objections~~ of filling up of the P.H. quota and compassionate ground appointment can be fulfilled by one stroke. But that depends on proper representation to be filed by the applicant. In that view the applicant may, if so advised, file a detailed representation indicating the physical condition of her second daughter who is reported to be P.H. to the extent of 25% and also her financial position to R-1. If such a representation is received within a month from the date of receipt of a copy of this order the same should be considered in accordance with rule in view of the above observations. If R-1 is not competent to decide this issue he should refer this case to the Railway Board along with her representation for consideration.

7. In the result the OA is allowed to the extant indicated above. No costs.


(R.RANGARAJAN)
Member (Admn.)

Dated: 6th March, 1997

(Dictated in Open Court)

sd


D.R.G.

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4. This OA is filed for setting aside the impugned order rejecting her claim for appointment on compassionate grounds to her second daughter Ms. Yasoda and for a donsequential direction to appoint the said second daughter in a suitable post.

5. The respondents have filed a reply. The main contention of the respondents is that the representation is received belatedly i.e. 5 years after the death of her husband. Hence in terms of Railway Board's letter No. P(SC)268/III/Policy/Vol.III, dt. 8.7.85 (Annexure R-III) such belated applications cannot entertained for grant of compassionate ground appointment. The Railway Board ~~who~~ is the competent authority to consider the compassionate ground appointment ~~when~~ applied belatedly had considered her case and rejected the same in view of the letter