

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
HYDERABAD

O.A.NO.1500/94

Between;

Date of Order: 12.6.95.

G.Nandaiah

...Applicant

And

1. The General Manager,  
South Central Railway,  
Secunderabad - A.P.
2. The Divisional Railway Manager(P),  
South Central Railway,  
Vijayawada - A.P.

...Respondents.

Counsel for the Applicant : Mr.P.Naveen Rao

Counsel for the Respondents

CORAM:

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

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O.A. 1500/94.

Dt. of Decision : 12-06-95.

ORDER

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

This is an application requesting for appointment on compassionate grounds. The applicant is <sup>aged</sup> 18 years, passed SSC examination in 1991. He belongs to SC Community. His father, while working as a casual labour <sup>with</sup> as temporary status, was rendered medically un-fit for further service on account of eye-disease. Soon after the applicant ~~became~~ attained the age of majority, he approached the authorities concerned for compassionate appointment. He had also filed O.A.No.207/94 which was disposed of ~~with~~ <sup>in</sup> direction to the respondents to consider the case of the applicant and communicate the decision within three months. Consequently the respondents examined ~~the~~ <sup>of</sup> the applicant and came to the conclusion that he could not be given <sup>compassionate appointment as</sup> ~~engagement of~~ <sup>as</sup> casual labour on account of the termination of his father's casual labour service due to medical un-fitness.

in the case of Auditor General of India and Others Vs. G.Ananta Rajeswara Rao (1994 SCC (L&S) 500).

The Supreme Court observed as under:-

"Therefore, the High Court is right in holding ~~violates~~ <sup>violates</sup> Article 16(2) of the Constitution. But, however it is made clear that if the appointments are confined to the son/daughter or widow of the deceased government employee who died in harness and who needs immediate appointment on grounds of immediate ~~in the event of there being no other~~ earning member in the family to supplement the loss of income from the bread-winner to relieve the economic

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distress of the members of the family, it is unexceptionable. But in other cases it cannot be a rule to take advantage of the Memorandum to appoint the persons to these posts on the ground of compassion. Accordingly, we allow the appeal in part and hold that the appointment in para 1 of the Memorandum is upheld and that appointment on compassionate ground to a son, daughter or widow to assist the family to relieve economic distress by sudden demise in harness of government employee is valid. It is not on the ground of descent simpliciter, but exceptional circumstance for the ground mentioned. It should be circumscribed with suitable modification by an appropriate amendment to the Memorandum limiting to relieve the members of the deceased employee who died in harness from economic distress. In other respects Article 16(2) is clearly attracted".

becomes medically unfit for further retention of service

to the son or daughter of such an employee. Thus there is hardly

applicant whose father became medically unfit while serving as

casual labour with temporary status. In respondent's case that there is a ban on fresh engagement of casual labour.

4. In the afore-stated circumstances the relief claimed by the applicant cannot be granted and OA therefore dismissed. No order as to costs.

Member (Admn.)

Dated: The 12th June 1995.  
Dictated in Open Court.

DEPUTY REGISTRAR (J)

apr

1. The General Manager, South Central Railway, Secunderabad.
2. The Divisional Railway Manager(P), South Central Railway, Vijayawada.
3. One copy to Mr. P. Naveen Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
5. One spare copy.

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TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

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

THE HON'BLE SHRI A. R. GORTHI: MEMBER (A)

DATED

12-6-95

ORDER/JUDGMENT

IN THE MATTER OF

in

1500/96

Admitted and Interim directions  
issued.

Allowed.

Dismissed.

Dismissed.

Dismissed for default

Rejected/Ordered.

YLKR

*No spare copy*

