

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 357/94.

Dt. of Decision : 2-8-94.

Smt. Vallepi Ramanamma

.. Applicant.

Vs

1. Union of India, rep. by its
General Manager, SC Rly,
Secunderabad.

SC Rly, Secunderabad.

3. The Divisional Railway Manager,
SC Rly, Vijayawada.

.. Respondents.

Counsel for the Applicant : Mrs. V. Padma

CORAM:

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

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

O R D E R

(As per Hon'ble Sri A.V. Haridasan, Member(J))

The applicant's husband who commenced his career as casual labour on 5-8-71 and had acquired temporary status w.e.f. 1-1-84 was held medically unfit for holding any post in the Railways as he was suffering from Leprosy. If he had been afflicted by the dreadful disease he would have had an opportunity to be under regular service in the Railways and would have maintained his family. As no alternate employment could be given to the applicant's husband, on his discharge the applicant was not entitled to any employment assistance as the family did not have any other means to survive. The representation was forwarded to the higher authorities, but it was rejected on the ground that the applicant's husband being only a temporary status casual mazdoor the applicant was not entitled for compassionate appointment. Aggrieved by the order the applicant has filed this application. It has been alleged in the application that with the discharge of the applicant's husband from service and he being afflicted by a dreadful disease, the family has been driven to extreme poverty and as there is nothing to fall back upon the applicant is finding it extremely hard to pull on day-to-day life. Therefore the applicant has prayed that a direction be given to give her an appointment on compassionate ground so that she can support the family.

..3

..3

2nd p

2. The application is opposed by the respondents. We heard Smt. V. Padma, learned counsel for the applicant and Sri V. Bhimanna, learned Addl. Central Government standing counsel for the respondents.

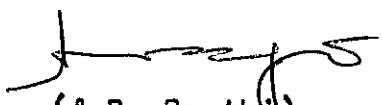
3. We are aware of the fact that the Supreme Court has in Auditor General of India V/S Ananta Rajeswar Rao 1994 SCC (L&S) 500 held that compassionate appointment can be justified only in cases where an employee dies in harness leaving the family in indigent circumstances and without any earning member. According to the dictum any order granting compassionate appointment in other cases would offend the provisions of Art. 16 of the Constitution. Therefore, the applicant is not, as a matter of right, entitled to claim employment assistance under the scheme for compassionate appointment. However, we notice that though not by death, but by a dreadful disease to the bread winner of the family has been deprived of his means of earning bread and that the family had been driven to extreme economic distress. In the instant case, the disease of the applicant's husband is worse than death. This peculiar aspect of the case makes it distinct from ordinary cases of medical invalidation. Bearing in mind this peculiar factors behind the case, and the pathetic condition of the indigent family, we are of the view that the railway administration has to take a sympathetic view in the matter to help the applicant by providing her with some employment so that she can look out the family, and support her husband who has rendered service to the Railway administration. We make it clear that this observation of ours is not to be treated as a detraction from the ruling of the Hon'ble Supreme Court and that this is made taking into consideration the peculiar circumstances of the case.

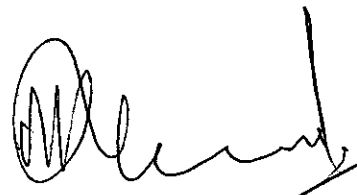
3rd p
for



19

4. In the result, the application is admitted and disposed of with a direction to the respondents to consider the case of the applicant for grant of some employment assistance to her in whatever capacity she is suited, within a period of three months from the date of mention of this order, bearing in mind the observations made above, and to give her such employment within that time if she is found otherwise not ineligible.


(A.B. Gorthi)


'Member (Judl.)'

Dated : 2nd August, 1994.
(Dictated in Open Court)

kmv/spr.


Dy.Registrar(Judl)

Copy to:-

1. General Manager, South Central Railways, Union of India, Secunderabad.
2. The Chief Personnel Officer, South Central Railways, Secunderabad.
3. The Divisional Railway Manager, Secunderabad.
4. One copy to Mrs. V. Padma, Advocate, 98-S.B.I. Colony, New Bakaram, Hyderabad-380.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One copy as Spare.

kku.
4th page
16/8/94

Typed by
Checked by

Compared by
Approved by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

AND

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

Dated: 2.8.94

ORDER/JUDGMENT.

M.A./R.P./C.P.NO.

C.A.NO. 357/94 in
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.

