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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1083/94.

Dt.of Decision : 17-10-94.

Swarna Gabriel

.. Applicant.

1. The Director,
Pilot Map Production Plant,
Survey of India, Uppal,
Hyderabad.
2. Superintending Surveyor,
Incharge No. 43 Party (PMP),
Uppal, Hyderabad.
3. Surveyor General of India,
Survey of India,
Hethibercala Estate,
P.B.No. 37, Dehradun-248 001.UP.

.. Respondents.

Counsel for the Applicant : Mr. M.V.S. SAI KUMAR

Counsel for the Respondents : Mr. N.V.RAMANA, Addl.CGSC.

CORAM:

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

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

D.A. 1083/94.

Dt. of Decision : 17-10-94.

ORDER

None for the applicant. We have perused the application and have heard learned counsel for the respondents. The prayer in this application is that the respondents may be directed to consider the applicant's case for appointment on compassionate grounds. The applicant claims to be Son of Late S. Lazar alias Santaiah, who while working as Daffedar of No.43 Party (PMP), Survey of India, Uppal, Hyderabad died on 10-7-92. His mother requested for an appointment for the applicant on compassionate grounds stating that the death of Shri S.Lazar alias Santaiah, the family had been driven to extreme poverty and indigence. This request was turned down by the second respondent by order dt. 9th March 1993 rejecting the claim on the ground that the father's name of the applicant shown in the School Certificate was Santaiah in the place of Shri S. Lazar alias Santaiah and therefore the application submitted by the applicant's mother could not be considered. It is stated in the application that the applicant's father was called Lazar alias Santaiah and that therefore the rejection of the request of the applicant's mother for compassionate appointment for the applicant only for the reason that only surname is written in the School Certificate is unsustainable. In support of the case of the applicant that his father S. Lazar alias Santaiah was also called Santaiah, the applicant has produced a certificate

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dated 9-9-1992 of the Mandal Revenue Officer, Komarole Mandal, Prakasam District, wherein it was certified that Swarna Lazar alias Santaiah, resident of Chinthalapalle village, Komarole Mandal, Prakasam District, who was working in Survey Department expired on 10-7-92 and that his son Swarna Gabriel was his successor and legal heir. Another certificate regarding the death of Swarna Lazar alias Santaiah dt. 8-2-1993 also has been produced. Copies of these are at annexure 2 and 3. The learned counsel for the respondents produced

relating to the enquiry made through the Inspector of the department in which it is stated that Swarna Lazar *was called* ~~alias~~ Santaiah also and that the applicant is the son of the above said individual. Under these circumstances, we are of the view that the request of the applicant's mother for compassionate appointment to the applicant could not have been turned down only for the sole reason that in the educational certificate the name of the Shri Swarna Lazar ~~alias~~ Santaiah was recorded ^{only} ~~wrongly~~ as Santaiah. If the competent authority had any doubt regarding the identity of the person concerned they should have referred the matter to ^{the} Revenue authorities or made a proper enquiry and then only taken a proper decision. When the matter came up for hearing the learned counsel for the respondents brought to our notice another communication issued from the office of the second respondent addressed to the applicant's mother dt. 2nd Sept. 1993, in which it was stated that ^{as} there was no vacancy for the posts against the compassionate appointment ~~quota~~ could be made the request of the applicant could not be considered. This

Copy to:

1. The Director, Pilot Map Production Plant,
Survey of India, Uppal, Hyderabad.
2. Party (PMP), Uppal Hyderabad.
3. Surveyor General of India,
Survey of India, Hethibercala Estate,
P.B.NO.37, Dehradun - 248 001. UP. *High Court Bar Assn.*
4. One copy to Mr. M.V.S. Sai Kumar, Advocate, CAT, Hyderabad.
5. One copy to Mr. N.V. Ramana, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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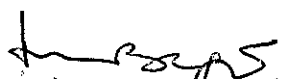
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for 25/10/64

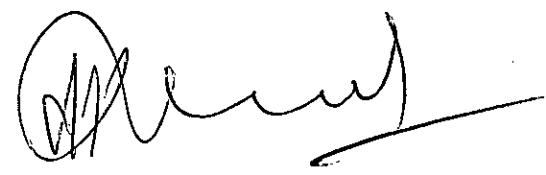
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communication shows an entirely different reason for not considering the case of the applicant for compassionate appointment from what was stated in the annexure A-1 order dt. 9th March 1993. Under these circumstances since the case relates to compassionate appointment we are of the view that the application has to be disposed of at the admission stage with appropriate directions to the respondents for a proper consideration of the case.

2. In the light of what is stated above the application is disposed of at the admission stage itself directing the respondents to consider the case of the applicant for compassionate appointment on a proper and elaborate consideration of the facts and circumstances of the case and the condition of the family and to take an appropriate decision within a period of two months from the date of communication of this order. The decision so ~~was~~ ^{shall} taken ^{will} be communicated to the applicant within the aforesaid period of two months. If the applicant ^{finds} ~~has~~ any reason to be aggrieved by the out come ^{of the} ~~of this decision~~ it will be open for him to approach the Tribunal for appropriate relief. There is no order as to costs.


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


(A.V. HARIDASAN)
MEMBER (JUDL.)

Dated : The 17th October 1994.
Dictated in Open Court.


DEPUTY REGISTRAR (J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

Dated: 17.10.94

~~ORDER~~/JUDGMENT.

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

D.A.NO. 1083/94 in
T.A.NO. (U.P.NO.)

Admitted and Interim Directions
Issued..

Allowed.

Disposed of *at admission stage* with Directions.

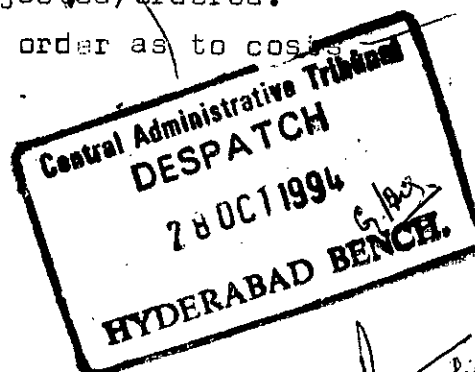
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs



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