

(31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 728/94.

Dt. of Decision : 18-10-94.

Mr. Ch. Rama Rao

.. Applicant.

vs

1. Union of India, rep. by
the General Manager,
SC Rly, Secunderabad.
2. The Divisional Railway Manager,
SC Rly, Vijayawada. .. Respondents.

Counsel for the Applicant : Mr. J.M. Naidu

Counsel for the Respondents : Mr. J.R. Gopala Rao, SC for Rlys.

CORAM:

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

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O.A. No. 728/94.

Dt. of Decision : 18-10-94.

ORDER

¶ As per Hon'ble Shri A.V. Haridasan, Member (Judl.) ¶

19/ In this application filed under section 24 of the Administrative Tribunals Act, the applicant who is the son of Late Shri Ch, Pedda Jacob who while in service of the SC Railway as Leverman under the S.M. of Godawari Station was discharged on medical ~~dis~~disqualification on 11.1.73 and subsequently expired on 25.9.88, (prays) that the respondents may be directed to appoint the applicant on compassionate grounds quashing the order dt. 18.11.93 of the second respondent rejecting his request for compassionate appointment. In the reply filed by the respondents before admission it has been contended that as the applicant's father did not ~~die~~ in harness and as a request made by the applicant's father ~~shortly~~ after his medical invalidation for compassionate appointment in favour of another person ~~was failing~~ who ~~happened to be~~ ~~not~~ his son on enquiry, and as the circumstances of the case do not warrant appointment of the applicant on compassionate grounds, the impugned ~~order~~ of rejection of the request is fully justified. Having perused the pleadings in the case and having heard the learned counsel for both the parties, I am satisfied that the decision of the respondents ~~not to extend~~ the benefit of employment assistance on compassionate grounds to the applicant cannot be faulted, as contended by the respondents. The applicant's father did not ~~die~~ in harness. There is no averment in the application that there are infant children to be brought up in the family. The widow of ~~the~~ deceased employee

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is also not alive. The applicant's father retired in the year 1973 till his death in 1988, the applicant's father was getting only a low amount as pension, so it ~~is~~ ~~now~~ ~~more~~ ~~now~~ ground that on account of the death of the father of the applicant the family has been driven to indigence. There is no averment in the application that there is any liability for the family and that the family has been driven to extreme indigence. 21 years after the medical de-categorisation of an employee there is no question of rendering employment assistance on compassionate ground to any member of the family because the scheme for compassionate appointment was ^{involved} involved only ~~with~~ ⁱⁿ the view to assist the family of an employee dying in harness to survive and to meet the day to day expenses of the family. In this case I am not in a position to accept the argument of learned counsel for the applicant that the family has been driven to extreme indigence at this distance of time either on account of the medical de-categorisation and consequent discharge or on account of the death of the retired employee. Under these circumstances finding no ^{Considered} case to be ^{counted} I reject this application under section 19(3) of the Admin. Tribunals Act, 1985, leaving the parties to bear their own costs.



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

Dated : 18th October 1994.
Dictated in Open Court.

Prinses Irene
Dy. Register (Juli.)

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Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

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

AND

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

Dated: 18/6/94

ORDER/JUDGMENT

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

D.A. NO. 728/94

T.A. NO. _____

(H.P. NO. _____)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

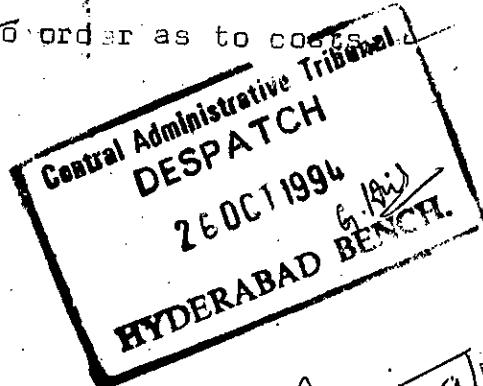
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



YLKR

for 19/10/94