

(62)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABA
O.A.NO. 853 of 1995.

Between

S.Paidamma

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Dated: 4.3.1996.

Applicant

And

1. Union of India represented by Secretary(Estt.), Railway Board
Rail Bhawan, New Delhi.
2. General Manager, South Eastern Railway, Garden Reach, Calcutta.
3. Chief Administrative Officer(P), South Eastern Railway,
Bhubneswar.
4. Chief Personnel Officer, South Eastern Railway, Garden Reach,
Calcutta.
5. Senior Personnel Officer(S&C), South Eastern Railway,
Dondaparthi, Visakhapatnam.
6. Divisional Railway Manager, South Eastern Railway, Dondaparthi,
Visakhapatnam.

...

Respondents

Counsel for the Applicant : Sri. D.L.Kiran Prakash
Counsel for the Respondents : Sri. N.R.Devaraj, SC for Rlys.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

O.A. No. 853/95

Date of Order: 4.3.96

JUDGEMENT

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

* * *

The applicant in this OA is the widow of late Sri S.Sanyasi. It is stated that ~~he~~ was initially appointed in Railways as a casual khalasi on 16.3.65 and was in continuous service from 22.10.80 till his death on 31.7.83.

2. This OA is filed praying for a direction to the respondents to offer suitable appointment to her son S.Bangarapadu on the railway on compassionate grounds. The learned counsel for the applicant brought to my notice that the General Manager, exercising his personal discretionary power can appoint the ward of eligible and suitable casual labour with temporary status and dies in harness ~~can be appointed~~ on compassionate grounds as a casual labour or as a substitute. The relevant rule is reproduced below:-

"Ministry or railways have now decided that if a casual labourer with temporary status dies in harness, i.e. during his employment with Railways and if the case presents features constituting extreme hardship, meriting special consideration, the General Manager could exercise his personal discretionary power for giving appointment to eligible and suitable ward of such casual labour on compassionate grounds. Such appointment will be only in the form of engagement as casual labour (fresh face) or as substitute. The Ministry expect this power to be exercised judiciously keeping in view in particular the need to contain the total casual labour force as enjoined in the extant instructions on the subject".

Heard Mr.D.L.Kiran Prakash, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.



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Copy to:-

1. The Secretary(Estt.), Union of India, Railway Board, Rail Bhavan, New Delhi.
2. General Manager, South Eastern Railway, Garden Reach, Calcutta.
3. Chief Administrative Officer(P), South Eastern Railway, Bhubneswar.
4. Chief Personnel Officer, South Eastern Railway, Garden Reach, Calcutta.
5. Senior Personnel Officer(S&C), South Eastern Railway, Dondaparthi, Visakhapatnam.
6. Divisional Railway Manager, South Eastern Railway, Dondaparthi, Visakhapatnam.
7. One copy to Sri. D.L.Kiran Prakash, advocate, CAT, Hyd.
8. One copy to Sri. N.R.Devraj, SC for Rlys, CAT, Hyd.
9. One copy to Library, CAT, Hyd.
10. One spare copy.

Rsm/-

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4. The learned Standing Counsel submitted that late Sri Sanyasi who worked as a Casual Labourer and expired on 31.7.1983 has not been brought as a temporary status casual labour as per extant instructions as stated in para-3 of the letter No.E/35/SS/ONR(1094) dated 16.4.1994 (A-7). In view of the above, the compassionate ground appointment cannot be granted.

5. When late Sri Sanyasi had worked continuously from 1980 to 1983, it is not clear how he had not attained temporary status. It is a matter for scrutiny by the General Manager who is competent to grant compassionate ground appointment in terms of rule extracted above.

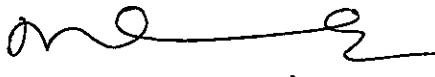
6. In view of the above, the following direction is given:-

R-2 should examine the prayer of the applicant for compassionate ground appointment to her son and issue a speaking order on the basis of the rule quoted above and keeping in mind my observations in para-5 supra.

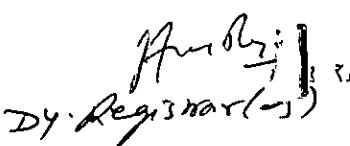
7. Time for compliance is 4 months from the date of receipt of a copy of this order.

8. The OA is ordered accordingly. No costs.

9. Office should sent a copy of this OA along with with the judgment copy to R-2.


(R. Rangarajan)
Member (Admn.)

Dated 4th March, 1996.
Dictated in open court.


Dy. Registrar (-)

Grh.

Com 10 - 45

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHI: MEMBER(A)

HON'BLE SHPT.

DATED: 4/3/96

ORDER/JUDGMENT

~~M.A. NO. / R.A. / C.A. NO.~~

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B.A.-NG

85-3/91

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALL OVER

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

~~NO ORDER AS TO COSTS~~

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केन्द्रीय प्रशासनिक अधिकारम्
Central Administrative Tribunal

- 2 APR 1996 *Mr.*

हैदराबाद न्यायपीठ
HYDERABAD BENCH

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