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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NO.1101 of 1995.

Between

Dated: 23.4.1996.

B.Bhaskara Rao

...

Applicant

And

1. The General Manager, South Eastern Railways, Garden Reach, Calcutta.
2. The Chief Personnel Officer (Adm.) South Eastern Railway
3. The Divisional Railway Manager, South Eastern Railway, Visakhapatnam.

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Respondents

Counsel for the Applicant : Sri. A.V.Dhanujaya Rao

Counsel for the Respondents : Sri. C.V.Malla Reddy, SC for Rly

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd: ...2/-

C.A. 1101/95.Dt. of Decision : 23-04-96.ORDER

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

Heard Shri C.V.Malla Reddy, learned counsel for the respondents. None for the applicant.

2. The applicant in this OA is reported to be the adopted son of Late Mr. B.Narasinga Rao, who was working as Fitter (C&W) in SE Railway at Visakhapatnam and died on 18-10-83 in harness. He filed CA.No.1437/94 on the file of this Tribunal seeking a direction to the respondents to consider his case for appointment on compassionate ground on account of death of the late employee Sri B.Narasinga Rao. That OA was disposed of on 5-12-94 at the admission stage itself directing the respondents 2 to 3 therein to take a final decision in the matter of appointment of the applicant herein on compassionate ground within a period of three months. R-2 had rejected the case of the applicant for compassionate ground appointment by the impugned order dated 14-03-95 on the ground that the deed of adoption of the applicant by late Mr. B.Narasinga Rao is not valid and hence his claim for compassionate ground appointment was rejected by order dt.14-03-95.

3. In view of the above rejection he has filed this OA impugning the order dt. 14-03-95 and for a further direction to appoint him in suitable post on compassionate ground.

4. In para 6(b) of the OA (page-2) it is stated that after the death of Shri B. Narasinga Rao reported to be his father by adoption the applicant herein was granted family pension w.e.f., 19-10-1983 by the department themselves (Annexure-II) on the premises that he is the only legal heir of Late Mr. B.Narasinga Rao.

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5. If the case for compassionate ground is rejected on the basis that the deed of adoption is not a valid one, it is not understood how he had been granted the family pension on the premises that he was the legal heir of Late B.Narasinga Rao. The reason given for the appointment is contrary to the stand taken in regard to payment of family pension to the applicant herein.

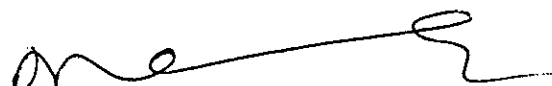
6. In view of the above contradiction the case for compassionate ground of the applicant needs re-consideration. Hence, the impugned order dated 14-03-95 (Annexure-XIV) has to be set aside and a direction has to be given to R-2 to re-consider the issue of compassionate ground appointment in the light of payment of family pension to the applicant due to the reason that he is the only legal heir of late Sri B.Narasinga Rao and take a final decision in accordance with rules for compassionate ground appointment to the applicant.

7. In the result, the following direction is given:-

The impugned order dt. 14-03-95 (Annexure-XIV) is set aside. R-2 is to re-consider the case for granting compassionate ground appointment to the applicant taking due note of the fact he has been granted family pension treating him as legal heir of Late B.Narasinga Rao.


8. Time for compliance is four months from the date of receipt of a copy of this order.

9. The OA is ordered accordingly. No costs.



(R. Rangarajan)
Member (Admn.)

Dated : The 23rd April 1996.
(Dictated in Open Court)


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Copy to:-

1. The General Manager, South Eastern Railways, Garden Reach, Calcutta.
2. The Chief Personnel Officer(Admn.), South Eastern Railways, Garden Reach, Calcutta.
3. The Divisional Railway Manager, South Eastern Railways, Visakhapatnam.
4. One copy to Sri. A.V.Dhanujaya Rao, advocate, CAT, Hyd.
5. One copy to Sri. C.V.Malla Reddy, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

DATED: 28/4/96

~~ORDER/JUDGEMENT~~

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

~~IN~~

B.A. NO.

1181/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

No spare copy

