

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

DA.NO.1108/95

Between:

Date of Order: 19.1.96.

K.Appa Rao

...Applicant.

And

1. The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
2. The Divisional Railway Manager,
South Central Railway,
Vijayawada.
3. The Senior Divisional Personnel Officer,
South Central Railway,
Vijayawada.
4. Senior Divisional Engineer/Central,
South Central Railway,
Vijayawada.
5. Assistant Engineer,
South Central Railway,
Eluru, W.G.District.

...Respondents.

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

Counsel for the Respondents : Mr.D.Gopal Rao

CORAM:

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

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OA 1108/95.


Dt. of Order:19-1-96.

(Order passed by Hon'ble Shri R.Rangarajan,
Member (A)).

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The applicant herein ~~was~~ worked as a K_halasi under the Inspector of Works, S.C.Railways from 10-10-76. His services were regularised with effect from 21-4-1989. While in service he met with an accident and he was declared medically unfit for all classes vide proceedings dt.2-5-1990 of Respondent No.5.

2. In view of the medical decategorisation his wife applied for compassionate ground appointment by a representation dt.17-10-1990 but her representation was rejected by Respondent No.2 vide proceedings No.B/P.Con/564/172/90 dt.28-8-91. Respondent No.1 also confirmed the orders of Respondent No.2 by proceedings dt.29-5-93. Challenging the above rejection the applicant filed OA 1177/93 on the file of this Bench. By judgement dt.27-12-1993 in that O.A., the administration was directed to enlist the name of the wife of the applicant in the waiting list in appropriate category for providing job on compassionate grounds in her turn duly relaxing the age condition. In obedience to that order, the wife of the applicant was enlisted for compassionate ground appointment vide proceedings No.B/P/CON/64/172/90 dt.2-2-94.



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3. The applicant now submits that though his wife's name was kept in the list for compassionate ground appointment, she was not appointed but her juniors were given appointment over-looking her seniority. Applicant has given the names of ~~one~~ Sri D.Gangarathnam, Palika Bagyam and Smt.Kaki Annapurna, to state that these juniors were appointed over-looking the seniority of his wife, who was enlisted for compassionate grounds appointments. It is also the case of the applicant that initially her name was kept in the waiting list No.33 in terms of proceedings dt.2-2-91 but after the judgement in DA 1177/93, the Respondent No.2 instead of restoring her name to her original position was pushed down to the Sl.No.95. Even after her name was brought to Sl.No.95, she was not given appointment in her turn but her juniors in the list were considered for compassionate ground appointment ignoring her seniority in this list.

4. Aggrieved by the above, he has filed this O.A. for a declaration that the action of the respondents in providing jobs to the candidates on compassionate grounds whose names were kept in the waiting list subsequently ignoring the case of his wife Smt.Venkayamma is illegal, arbitrary and violative of Article 14 and 16 of constitution of India and for a consequential direction to the

respondents to provide jobs to his wife Smt.Venkayamma forthwith.

5. As stated by the learned counsel for the applicant Respondent No.2 has ignored seniority of his wife in providing compassionate ground appointment to her. If Respondent No.2 does not follow the rules and ignored her seniority in providing compassionate ground appointment, the remedy left to the applicant is to appeal to the Respondent No.1 for providing her compassionate ground appointment in accordance with the rules and following her seniority position. It is too premature to approach this Tribunal without exhausting the normal channel for redressal of the grievance. In view of the above, I feel that the applicant should immediately appeal to Respondent No.1 to redress his grievance and if the applicant fails to get any appropriate justice, he is at liberty to approach this Tribunal by way of a fresh OA. In the result, the following direction is given :-

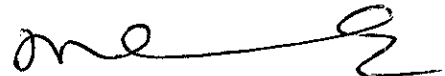
"The applicant should send a representation to Respondent No.1 by Registered Post with Acknowledgement Due explaining the case of his wife for compassionate ground appointment by 9-2-96. If such a representation is received by Respondent No.1, the same has to be disposed of in accordance with the rules and a reply has to be given to the applicant within three months from the date of receipt of the representation. If the applicant is going to be aggrieved xxxx xxxxx xx

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by the reply to be given by Respondent No.1, the applicant is free to approach this Tribunal by filing a fresh O.A. under section 19 of the A.T.Act, 1985."

6. The Original Application is ordered accordingly at the admission stage itself. No order as to costs.


Member (A)

Dated: 19th January, 1995.
Dictated in Open Court.

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DEPUTY REGISTRAR(J)

To

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Divisional Railway Manager, South Central Railway, Vijayawada.
3. The Senior Divisional Personnel Officer, South Central Railway, Vijayawada.
4. Senior Divisional Engineer/Central, South Central Railway, Vijayawada.
5. Assistant Engineer, South Central Railway, Eluru, W.G.District.
6. One copy to Mr.J.M.Naidu, Advocate,CAT,Hyderabad.
7. One copy to Mr.D.Gopal Rao, SC for Railways,CAT,Hyderabad.
8. One copy to Library,CAT,Hyderabad.
9. One spare copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

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

HON'BLE SHRI

DATED: 19.1.96

ORDER/JUDGMENT

M.A.NO./R.A./C.A.No.

IN

O.A.NO. 1108/95

ADMITTED AND INTERIM DIRECTIONS ISSUED:

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED:

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

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