

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

O.A. NO. 1125/95

Between

Date of Order: 25.3.96.

J. Balraju

...Applicant.

And

1. The Chief Works Manager,
South Central Railway,
Local Carriage and Wagon Work Shop,
Lallaguda,
Secunderabad.
2. The Chief Personnel Officer,
South Central Railway,
Secunderabad.
3. The General Manager,
South Central Railway,
Railnilayam,
Secunderabad.
4. The Divisional Railway Manager,
Secunderabad.

...Respondents.

Counsel for the Applicant : Mr. K. Venkateswar Rao

Counsel for the Respondents : Mr. V. Rajeswar Rao

CORAM:

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

contd...

O R D E R

I as per Hon'ble Sri R.Rangarajan, Member(Admn.) X

The father of the applicant who was working as a Moulder under R-1 died in harness on 17-8-1975. It is stated that ex-gratia pension was paid to the widow of the deceased employee based on the Succession Certificate; When the eldest brother of the applicant applied for compassionate ground appointment on 19.9.75 the same was rejected on 1.7.1976. At the time of death of his father, the applicant was a minor, his date of birth being 15-3-1972. Hence, he could not be considered for appointment at that time. The applicant's request for compassionate ground appointment was also rejected by (Annexure-I to the counter) letter No.CON/LGDS/P.268/Comp/Corres/Vol.II dated 28.2.1996.

2. The main contention of the applicant is that he was a minor at that time and could not apply for the compassionate ground appointment but he applied when he became major and though he was called for interview he was not appointed. Hence, he filed this OA on 29.9.1995 praying for compassionate ground appointment in any suitable post on the basis of the interview held by R-1.

3. He was informed by letter dt. 28.2.1996 when the OA is pending that his case cannot be considered as it is time-barred. The applicant submits that the issual of the letter dt. 28.2.1996 when the OA is pending, is not permissible.

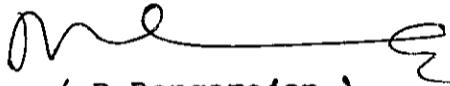
4. In a similar case when the compassionate grojind appointment was sought after a period of about 23 years, the Apex court held in I (1996) 32 ATC 238 - Jagdish Prasad Vs. State of Bihar and anor. I that such belated application for compassionate ground appointment need not be entertained. The verbatim of observation/the Apex court in the above reported case is reproduced:

"The very object of appointment of a dependent of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Since year the appellant was four years old, it cannot be said that he is entitled to be appointed after he attained majority long thereafter. In other words, if that contention is accepted, it amounts to another mode of recruitment of the dependent of a deceased Govt. servant which cannot be encouraged, dehors the recruitment rules."

5. When the OA is pending the rejection of the case under the present circumstances cannot be considered as irregular in view of the Apex court judgment. No right is lost by the applicant by issue of the above letter. Hence, the contention that issue of the letter dt. 28.2.96 is not permissible cannot be countenanced.

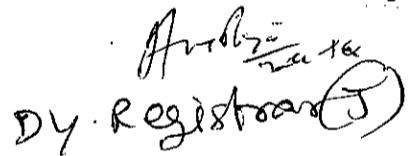
6. Though the learned counsel for the applicant requested for a week time to file a rejoinder in this case, I see no useful purpose will be served by filing a rejoinder as the apex court had held that consideration of belated case like the present one after 21 years should not be encouraged dehors the recruitment rules. Hence, the request for filing a rejoinder is not considered necessary and hence this request is rejected. Permission is given to file a rejoinder will only unnecessarily prolong the disposal of the case with no useful result.

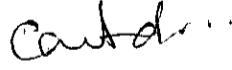
7. In the result, the OA is dismissed. No costs.



(R. Rangarajan)
Member (Admn.)

Dated 25th March, 1996.
Dictated in open court.


D.Y. Registrar (S)


Court Clerk

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Copy to:

1. The Chief Works Manager,
South Central Railway,
Local Carriage and Wagon Work Shop,
Lallaguda,
Secunderabad.
2. The Chief Personnel Officer,
South Central Railway,
Secunderabad.
3. The General Manager, South Central Railway, Railnagar, Sec'bad.
4. The Divisional Railway Manager,
Secunderabad.
5. One copy to Mr. K. Venkateswar Rao, Advocate,
CAT, Hyderabad.
6. One copy to Mr. V. Rajeswar Rao, Addl. CECO,
CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

YLKR

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

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

~~HON'BLE SHRI R.Rangarajan : M(A)~~

DATED: 25.3.96

ORDER/JUDGMENT

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

IN

O.A.NO. 1125/95

~~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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