

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1154/95

Date of Order : 27.6.96

BETWEEN :

K.Appa Rao

.. Applicant.

A N D

1. Flag Officer Commanding-in-Chief,
Eastern Naval Command,
Naval Base, Visakhapatnam-14.

2. The Admiral Superintendent,
Naval Dockyard,
Visakhapatnam-14.

.. Respondents.

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Counsel for the Applicant

.. Mr.S.Kishore

Counsel for the Respondents

.. Mr.N.V.Ramana

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CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

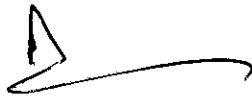
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J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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It is stated that the applicant in this OA is the adopted son of the deceased K.Appa Rao who worked as unskilled casual labour holding the Token No.USL.2067 for a period of 15 years under R2. The said Sri K.Appa Rao casual labour died on 18.6.95. It is also stated that the adopted son (applicant herein) is the son of the deceased brother. The First Additional District Muncif, Visakhapatnam issued the succession certificate to the applicant herein empowering him to collect the final settlement dues from the concerned Admiral Superintendent, Visakhapatnam. The said certificate is at Annexure-2, P-7. The applicant now submitted a representation dt.17.9.93 for employment assistance under the compassionate ground appointment scheme. The case was rejected as the adoption deed submitted by him is not valid as it was not a registered document.



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2. This OA is filed praying for a direction to the respondents to provide a suitable post to the applicant on compassionate grounds considering his qualification and eligibility.

3. The only contention of the learned counsel for the applicant is that the applicant has been recognised as a heir to the deceased employee because of which the succession certificate was granted by the first Additional District Minicif, Visakhapatnam by his order dated 23.3.90 in OS.No. 16/88(AA-2). In view of the above succession certificate the respondents cannot now refuse grant of compassionate ground appointment on the ground that the adoption deed submitted by the applicant is not registered. Further contention of the learned counsel for the applicant is that in view of the succession certificate granted as indicated earlier he should be considered for compassionate ground appointment in a suitable capacity on the basis of his qualification, etc.

4. A reply has been filed by the respondents. In para-2 of the reply the respondents admit that succession certificate was granted to the applicant and on that basis the final settlement dues amounting to Rs.28,830-60 has been paid to the applicant herein. But the respondents state that the applicant cannot claim ^{the status} as the son of late K.Appa Rao and he is not eligible for pension. They also submit that the succession certificate granted is only for the limited purpose of receiving the terminal benefits and that succession certificate in no way gives him the right for appointment on compassionate ground. Further the respondents submit that the deceased had expired on 18.6.85 ^{hvv} the applicant cannot get the appointment as it is a belated case.

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5. I have heard Sri S.Kishore, learned counsel for the applicant and Sri V.Rajeswara Rao for Sri N.V.Ramana, learned standing counsel for the respondents. No doubt the succession certificate is given for the limited purpose of receiving the final terminal benefits. But to a certain extent the succession certificate had recognised the relationship of the applicant to the deceased. In that sense it can be said that the applicant is a heir to the deceased employee though the adoption is not registered. In that view some minor benefit can be granted to the applicant in regard to his prayer for compassionate ground appointment considering the long service ⁱⁿ putting by the deceased employee and also considering the fact that the applicant and the deceased employee ^{are} from a lower state of society.

6. Under these circumstances I find that justice will be done to the applicant if his case for appointment as a casual labour in the department is considered if there is work in future and there is need to appoint casual labours. When such a situation arise the case of the applicant for engagement of casual labour may also be considered along with others and if he is found to be suitable for engagement he may be engaged. The above direction in no way be against the spirit of the rules for compassionate ground appointment nor ^{the} ^{in this application} delay ^{can} cause any problem for the respondents in the organisation.

7. In view of the above the following direction is given:-
The applicant may be considered for engagement as casual labour in future if there is work and there is need for engagement of casual labour along with others. If the applicant is considered ^{for} for engagement for the post of casual labour he

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Copy to:-

1. The Flag Officer Commanding-in-Chief, Eastern Naval Command, Naval Base, Visakhapatnam.
2. The Admiral Superintendent, Naval Dockyard, Visakhapatnam.
3. One copy to Sri. S. Kishore, advocate, CAT, Hyd.
4. One copy to Sri. *N. V. Ramesh* Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

22/7/96 OA-1154/95

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 27/6/96

ORDER/JUDGEMENT ✓
O.A. NO. / R.A. / C.P. No.

O.A. NO. 1154/95

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

No spare copy

