

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
O.A.NO.1157 of 1995.

Between

Dated: 17.11.1995.

Smt. B.Lakshamma

...

Applicant

And

1. The Government of India, rep. by the General Manager, South Central Railway, Secunderabad.
2. The Chief Personnel Officer(Admn.), South Central Railway, Secunderabad.
3. The Divisional Railway Manager, South Central Railway, Vijayawada.

...

Respondents

Counsel for the Applicant : Sri. A.Krishna Kumar

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

FOR AM.

Hon'ble Mr. A.B.Gerthi, Administrative
Member

Contd:....2/-

26

O.A.No.1157/95

Date of Order: 17.11.95

X As per Hon'ble Shri A.B.Gorthi, Member (Admn.) X

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Heard learned counsel for both the parties.

The request of the applicant is for giving appointment to her daughter on compassionate grounds.

2. The husband of the employee died on 15.12.86 while in service. Immediately thereafter the applicant approached the Divisional Railway Manager seeking compassionate appointment to her son-in-law. Her request was turned down as the Rules did not permit giving compassionate appointment to her son-in-law. The applicant then requested the authorities to consider giving appointment to her daughter. The respondents replied initially that there was no vacancy against which the applicant's daughter who is an illiterate, could be appointed. This reply was given by the DRM's office on 21.11.90. On a further representation by the applicant the respondents informed her that her request for giving employment assistance for her daughter was considered by the General Manager but was rejected, vide memo dated 7.8.91.

3. Learned counsel for the applicant states that the request of the applicant could ~~not~~ have been considered sympathetically as the competent authority in the railways has power to relax educational qualifications if required. Even otherwise the applicant's daughter could have been considered for any such Group 'D' appointment where no minimum educational qualifications are prescribed. The case of the applicant is that she is entirely dependent on her daughter Smt. P. Satyavathi and although the said daughter is married, she is still taking care of the applicant. As none

Copy to:-

1. The General Manager, Government of India, South Central Railway, Secunderabad.
2. The Chief Personnel Officer (Admn.), South Central Railway, Secunderabad.
3. The Divisional Railway Manager, South Central Railway, Vijayawada.
4. One copy to Sri. A. Krishna Kumar, 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.

Rsm/-

(11)

12/11/1954

(11/11/1954)

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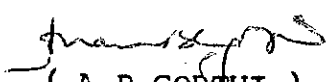
in the family is employed the family is ⁱⁿ indigent financial circumstances.

4. Mr.C.V.Malla Reddy, learned standing counsel for the respondents states that as per extant instructions, (5) as referred to by the applicant's counsel there is no objection for compassionate appointment to a married daughter provided the General Manager is personally satisfied that ^{she} ~~he~~ will be the bread winner. It was under these circumstances that the case of the applicant was placed before the General Manager as is evident from DRM (P) Vijayawada Division letter dated 7.8.91.

5. Evidently the case of the applicant was duly considered by the General Manager as per extant instructions but was rejected vide memo dated 7.8.91. Although the applicant's counsel has strongly urged for a direction to the respondents to reconsider the case of the applicant, I find that no useful purpose would be served by issuing such a direction as the case of the applicant had already been duly considered by the competent authority in terms of the relevant instructions.

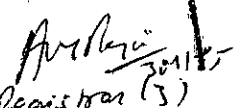
6. Even otherwise, the facts of the case indicate ^{his} ~~is~~ that the family of the deceased employee comprised ~~is~~ widow and ~~her~~ 2 married daughters. Admittedly the widow is in receipt of family pension ever since 1986 when her husband died.

7. In the afore-stated circumstances I find no merit in the OA and the same is rejected. No costs.


(A.B.GORTHY)
Member (Admn.)

Dated: 17th November, 1995

(Dictated in Open Court)


Dy. Registrar (3)

sd

CMR 13-41-

1157/95

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRA-
TIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 17.11.1995.

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

IN

O.A.NO.

T.A.NO.

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.
ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

* * *

Rsm/-

No Spare Copy

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