

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
HYDERABAD

D.A.NO.497/95

Between:

Date of Order: 7.7.95.

D.Mallikarjuna Rao

...Applicant.

And

1. The Senior Divisional Personnel Officer,  
South Central Railway,  
Vijayawada, Krishna District, A.P.
2. The General Manager,  
South Central Railway,  
Railnilayam,  
Secunderabad, A.P.

...Respondents.

Counsel for the Applicant : Mr.P.Venkateswarulu

Counsel for the Respondents : Mr.N.R.Devraj, Sr.CGSC.

CORAM:

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

contd...

OA 497/95

Dt. of order: 7-7-95.

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

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The applicant, who is a Scheduled Caste member, is the son of late D. Yanadi, who worked as Sr.Gangman under Permanent Way Inspector, Kavali section of S.C.R. and expired while in service on 24-7-87. A representation dt. 11-7-87 (Annexure A-1) was submitted by applicant's mother for his compassionate ground appointment but that application was rejected as the applicant herein was under aged at that time (Annexure A-2).

2. The applicant is having three sisters and two younger brothers. Out of the three sisters, two sisters got married before his father's death and last sister's marriage was performed after the death of Sri Yanadi spending money from the final settlement dues received by the applicant due to the demise of his father. As the family received only a meagre gratuity and PF amounting to Rs.29,000/-, the whole sum was spent away in the marriage of the last daughter, submits the applicant. An amount of Rs.803/- has been granted as family pension and as there are four members to be fed now, it is stated that it is very difficult to maintain the family of four members due to the present day cost.

3. The applicant's mother submitted another representation dt.21-1-93 addressed to the D.R.M., S.C.R. for compassionate ground appointment to her son. This petition is still to be answered. A lawyer notice issued on 25-9-93 is not yet replied.

To

1. The Senior Divisional Personnel Officer,  
South Central Railway,  
Vijayawada,  
Krishna District.
2. The General Manager,  
South Central Railway,  
Railnilayam,  
Secunderabad, A.P.
3. One copy to Mr. P. Venkataswarulu, Advocate, CAT, Hyderabad.
4. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

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4. Under the above circumstances, the applicant has filed this O.A. for a direction to the respondents herein to appoint him in any post for which he is eligible on compassionate grounds, in relaxation of the recruitment rules.

5. The main contention of the learned standing counsel is that the applicant should have applied immediately after attaining majority, but his application dt.21-1-93 (Annexure-3) is a very late representation. Hence it is a clear proof that the family is not in indigent circumstances. These are the points to be considered by the competent authority on the basis of the material available on record. It is not necessary at this stage to make any observation in regard to claim and counter claims.

6. In view of this, I am leaving this issue to Respondent No.2 to decide the issue judicially, sympathetically in accordance with rules and regulations in force. In the result, the following direction is given:-

"Respondent No.2 should consider the representation of the applicant dt.21-1-93 (Annexure A-3) and also the points mentioned by the applicant in this O.A. and consider the case of the applicant for compassionate ground appointment on the basis of the relevant factors."

7. If the applicant is going to be aggrieved by the reply to be received, he is free to approach this Tribunal by filing a fresh O.A. u/s 19 of the A.T.Act, 1985. The above direction shall be complied within a period of three months from the date of receipt of a copy of this order.

8. The O.A. is ordered accordingly. No costs.

( R. Rangarajan )  
Member (A)

Dated 7-7-95  
Open Court Dictation

avl/kmv

Amrta  
2008  
Deputy Registrar  
Cont

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE ~~SRI A.V. HARIKASAN~~ MEMBER (3)

AND

*R. Rangarajan*  
THE HON'BLE ~~SHRI A.D. GORTHY~~ MEMBER (1)

DATED

7.7.95

ORDER/JUDGMENT

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

in

O.A. NO.

497/95

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

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*No Spate copy*

(6)

Central Administrative Tribunal

DESPATCH

25 JUL 1995

HYDERABAD BENCH.