

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No.1428/96

Date of decision: 23.12.96

Between:

S.K.Gouse Basha .. Applicant

and

1. Union of India,
M/o Railways, rep. by
Secretary, Railways Deptt.,
New Delhi.

2. Secretary,
Railway Board,
Rail Bhavan,
New Delhi. .. Respondents

Mr. M.V.K.Murthy .. Counsel for applicant (Absent)

Mr. V.Rajeswara Rao .. Counsel for respondents.

CORAM

HON'BLE SHRI JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

O R D E R

Oral Order (per Hon'ble Shri Justice M.G.Chaudhari, VC)

None for the applicant. Mr. V.Rajeswara Rao, Standing
Counsel for the respondents.

The applicant is son of late Sk. Abdul Karim who
died in harness in 1964 while working as Fireman (B Grade),
Bitragunta. The applicant seems to have made an application
for compassionate appointment as late as on 29.12.95 seeking
appointment in Group C in S.C. Railway, Vijayawada Division.
By order in the earlier O.A. No. 242/96 decided on 7.3.96
it was left open to the applicant to pursue his case with the
Department and the OA was dismissed as withdrawn. Thereafter
the applicant filed a representation on 18.4.96. As the
applicant did not receive any reply to that representation

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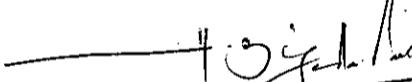
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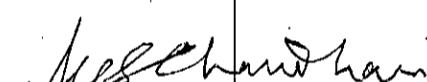
he has filed the instant O.A. on 26.8.96 seeking a direction to the respondents to appoint him on compassionate ground.

2. The O.A. is not maintenable as it is barred by decision in the previous O.A. By reason of the order in the previous O.A. which only left it open to the applicant to pursue his case with the Department, the applicant therefore could not file O.A. much less till the representation was decided.

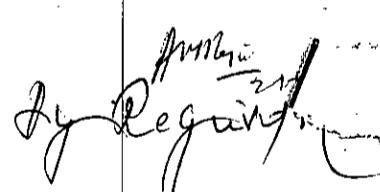
Mr. V.Rajeswara Rao tried to submit that under the rules the request of the applicant made in his representation dated 18.4.96 would not be possible to be accepted. We are not called upon to go into that question, but we do observe that if the applicant has filed a representation as it was left open to him to do so under the previous order, the respondents are obliged to reply to the applicant about their decision on the said representation.

3. O.A. is dismissed acting under Rule 15(1) of the C.A.T. (Procedure) Rules, 1987, and not on the ground of default.


H. Rajendra Prasad
Member (Admve.)


M.G. Chaudhari (J)
Vice Chairman

23rd December, 1996


M.G. Chaudhari (J)
Vice Chairman

vm

OA, 1428/96.

Copy to:-

1. Secretary, Railways Department,
Union of India, New Delhi.
2. Secretary, Railway Board, Rail Bhavan,
New Delhi.
3. One copy to Mr. M. V. K. Murthy, Advocate, CAT, Hyd.
4. One copy to Mr. V. Rajeswara Rao, CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD
MEMBER(ADMN)

Dated: 23-12-1996

ORDER / JUDGMENT

M.A./E.A./C.A. NO.

C.O.NO. 1428/26

T.A.NO. (W.D.)

Amitted and Interim Directions
Issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/rejected.

No order as to costs.

p.m.

