

(42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 250/96

Date of Order: 26-2-96

Between:

N. Srinivasa Rao.

.. Applicant

and

1. South Central Railway,
through its General Manager,
at Railnilayam, Secunderabad.
2. The Financial Adviser and Chief Accounts Officer,
SC Rly, Secunderabad.
3. The Divisional Railway Manager,
Bitragunta Division, SC Rly,
Vijayawada.
4. The Divisional Manager, SC Rly,
Vijayawada.

Respondents.

For the Applicant :- Mr. R. Mahalakshmi, Advocate

For the Respondents: Mr. N.R. Devraj,
Sr. / AGG. CGSC

CORAM:


THE HON'BLE MR. H. RAJENDRAPRASAD, MEMBER (ADMN)

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DA.250/96

Judgement

(As per Hon. Mr. H. Rajendra Prasad, Member (Admn))

Heard Ms. R. Mahalakshmi for the applicant and Sri N.R. Devaraj, for the Railways.

2. According to the petitioner, his father Sri N. Krishna Rao, Pump Attendant, South Central Railway, passed away on 30-4-1971, while in service. It is stated in the application that the wife of late Sri Krishna Rao had applied for a compassionate appointment to her daughter soon after her husband's demise. Since nothing is stated to have materialised by way of response from the authorities, she decided to wait for her only son - who was only six months of age at the time of his father's demise - to attain majority. The son, who is the applicant in this case, has a grievance that the respondents have not considered favourably his request for compassionate appointment.

3. The case is more than two decades old. There is every reasonable ground to assume that the family has since tided over the crisis arising from the death of Sri Krishna Rao, which occurred more than 25 years ago. It was stated by the learned Senior Standing Counsel (Central) that the Railways consider cases of death occurring within five years preceding the date of an application for such appointments. In exceptional cases such consideration can be stretched back by another five years. Nothing beyond this is permissible

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To

1. The General Manager, SC Rly,
Railnilayam, Secunderabad.
2. The Financial Adviser and Chief Accounts Officer,
S.C.Rly, Secunderabad.
3. The Divisional Railway Manager,
Bitragunta Division, SC Rly, Vijayawada.
4. The Divisional Manager, SC Rly,
Vijayawada.
5. One copy to Mr.R.Mahalakshmi, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, SC for Rlys, CAT.Hyd.
7. One copy to Library. CAT.Hyd.
8. One spare copy.

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except that the Railway Board could consider or reopen any case on very strong, valid and exceptional grounds, regardless of the interval that may have elapsed between the death of a Railway employee and the date of application for compassionate appointment in respect of one of the children/wards/dependants of the deceased employee.

4. There is no legal basis on which any direction can be issued in this case. The applicant asserts that two cases of compassionate appointment of similarly-circumstanced applicants have been approved recently by the Railways. Mr. Devaraj, in his reply to this, stated that no two cases of compassionate appointments can be exactly alike, and circumstances are bound to vary with each case.

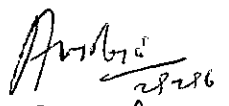
5. Considering all facts urged by the applicant, it is suggested that the case of the applicant may be reconsidered on merits, and a suitable decision taken on the facts of the case. Such measure of compassion~~ate~~ that can be reasonably exercised, compatible with rules as well as the facts of the case, may be shown to the present claimant.

6. Any decision taken in the matter may be communicated to the applicant within 150 days from this day.

7. Thus the OA is disposed of. No costs.


(H. Rajendra Prasad)
Member (Admn.)

Dated : February 26, 96
Dictated in Open Court


Deputy Registrar (D) CC

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I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE ~~MR. JUSTICE V. NEELADRI RAO~~
VICE CHAIRMAN

AND

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

Dated: 26-2-1996

ORDER/JUDGMENT

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

in

O.A.No. 250/96.

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.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेज/DESPATCH
17 MAR 1996
हैदराबाद ब्याचपीठ
HYDERABAD BENCH