

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.161/96

Date of Order: 20.9.96

BETWEEN :

Mrs. Surya Prabhavati

.. Applicant.

AND

1. Union of India, rep. by the Secretary,  
to Government of India, Ministry of  
Railways, New Delhi.

2. The General Manager, S.C.Rly.,  
Rail Nilayam, Secunderabad.

3. The Divisional Railway Manager,  
S.C.Rly., Vijayawada.

.. Respondents.

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Counsel for the Applicant

.. Mr. N. Rama Mohan Rao

Counsel for the Respondents

.. Mr. C.V. Malla Reddy

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CORAM:

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

JUDGEMENT

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

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Heard Mr. Raghu Kumar, for Mr. N. Ramamohana Rao, learned counsel for the applicant and Mr. C.V. Malla Reddy, learned standing counsel for the respondents.

reported to be

2. The applicant in this OA is the second wife of Sri T. Durga Prasada Rao who died on 21.7.88 while working as a Carpenter under the control of the Chief Wagon Superintendent Kakinada. The applicant submitted a representation dated 17.6.94 (A-1) for granting her compassionate ground appointment due to the death of her husband. It is stated that no reply has been given to that representation.

3. This OA is filed for appointing her on compassionate ground in a suitable post commensurate with her qualification.

4. A reply has been filed in this connection. The salient points of the reply are as follows:-

(1) The deceased has not declared the applicant as his wife at any time while he was alive. However she was given the final settlement dues in view of the directions given by the 3rd Additional District Judge Kakinada in O.P. 227/89. The payment of final settlement dues is not a deceased proof that she married the applicant herein legally.

(2) The deceased is having a daughter through his first wife. She may also claim compassionate ground appointment. Hence the case cannot be decided due to rival claimants for compassionate ground appointment.

5. The learned counsel for the applicant submitted that the 3rd Additional District Judge Kakinada had directed the respondents in that OP to distribute the final settlement dues in accordance with the direction given in the OP. Further it is stated that the daughter born to the deceased through his first wife had already married on 18.9.96 and she will not be a claimant for compassionate ground appointment as her <sup>undergoing</sup> husband <sup>is</sup> earning. The applicant herein is <sup>in</sup> financial stringency and she has to be given compassionate ground appointment as prayed by her. The contentions now raised by the learned counsel for the applicant needs consideration by the respondents, as they are not averred in the OA. Hence it is necessary for the applicant to file a fresh representation addressed to R-3 in connection with granting her compassionate ground appointment stating the full facts of the case including the facts mentioned at the time of hearing. R-3 after checking the authenticity of the facts mentioned by her in her representation to be submitted, should take a judicious decision in accordance with the law for granting her compassionate ground appointment.

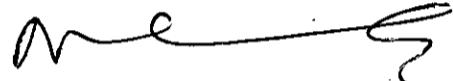
(18)

.. 3 ..

6. In the result, the following direction is given:-

The applicant, if so advised, may submit a fresh representation addressed to R-3 indicating the full facts of this case indicating the fact that the daughter of the first wife is already married and if such a representation is received, R-3 should pass a judicious order in regard to grant of compassionate ground appointment to the applicant in accordance with rules. The final decision has to be informed to the applicant within 4 months from the date of receipt of a copy of the fresh representation from the applicant.

7. The OA is ordered accordingly. No costs.



( R.RANGARAJAN )  
Member (Admn.)

Dated: 20th September, 1996

(Dictated in Open Court)

*Anil*  
Dy. Registrar (S)

sd

**Copy to:-**

1. The Secretary, to Government of India, Union of India, Ministry of Railways, New Delhi.
2. The General Manager, S.C.Railway, Railnilayam, Secunderabad.
3. The Divisional Railway Manager, South Central Railway, Vijayawada.
4. One copy to Sri. N.Ram Mohan Rao, 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/-

9/10/96

09/16/96

Typed By  
Compared by

Checked By  
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED:

26/9/96

ORDER/JUDGEMENT

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

D.A.NO.

161/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLR

II COURT

No Spare Copy

नियम प्रशासनिक विधिकरण

Central Administrative Tribunal

DESPATCH

9 OCT 1996

हैदराबाद न्यायपौर  
HYDERABAD BENCH