

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA.No.974/97

Date of Order: 23.10.97

BETWEEN :

Y.Ramachandra Rao

.. Applicant.

AND

1. The General Manager,
S.C.Rly., Rail Nilayam,
Secunderabad.
2. Divisional Railway Manager (P),
Broad Gauge/Secunderabad,
S.C.Rly., Secunderabad.
3. Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.

.. Respondents.

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Counsel for the Applicant

.. Mr.S.R.K.Murthy

Counsel for the Respondents

.. Mr.D.Francis Paul

- - -

CORAM:

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

- - -

ORDER

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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None for the applicant. Mr.D.F.Paul, learned standing counsel for the respondents.

2. The applicant in this OA while working as Chief Commercial Inspector in the grade of Rs.2000-3200 at Peddapally Secunderabad Division of South Central Railway was medically decategorised to C.II and made fit for a secondary job by order dated 17.5.91. The applicant on decategorisation was offered an alternative job of Office Clerk in the scale of pay of Rs.950-1500 by order

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of R-2 dated 16.9.91 (A-1). The applicant did not like to take the alternative job due to his personal reasons and also the alternative employment was far below the grade from which he was medically decategorised and submitted a representation for voluntary retirement from service on 8.10.91. It is stated that no decision was taken and the applicant was allowed to retire from service on 31.7.92.

3. This OA is filed praying for a direction to the respondents herein to appoint Mr. Y.V.S. Nagesh Raju son of the applicant in this OA in a suitable post in pursuance of the letter No. CP/175/Con/181/93 AC dated 18.11.93 (A-3) of R-2.

4. It is stated that enquiries in this connection were made by the Welfare Inspector and the required certificates were collected from him. But the fate of that representation is not known.

5. A reply has been filed in this OA. The sum and substance of the reply is that the applicant refused to take the alternate appointment and his voluntary retirement could not be processed as he was issued with a charge sheet and a vigilance case was pending against him in regard to correctness of his caste certificate submitted by him. The cases could not be finalised as the applicant is not cooperating in producing the documents. In the meantime the applicant retired on superannuation on 31.7.92 and since the ^{applicant never rtd} applicant of the ward is not permissible no action has been taken by the division after his retirement. A reference was also made to the headquarters when such a details were called for and the headquarters informed that the case was considered by the competent authority but rejected.

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6. The applicant was given alternate appointment and is retired on superannuation. His voluntary retirement is not accepted in view of the pending cases. Under the circumstances there is no rule quoted by the applicant to appoint his son on compassionate ground appointment. Hence I do not find any irregularity in refusing to grant compassionate ground appointment to his son. Further the Apex Court had held that the compassionate ground appointment can be given only in case of death while in service reported in 1994 (26) ATC 580 (Auditor General of India and others Vs. G.Ananta Rajeswara Rao).

7. In view of what is stated above I find no merit in this O.A. Hence the OA is dismissed. No costs.

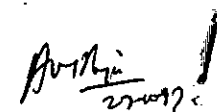


(R.RANGARAJAN)
Member. (Admn.)

Dated : 23rd October, 1997

(Dictated in Open Court)

sd


D. R.

OA.974/97

Copy to:-

1. The General Manager, South Central Railway, Nilayam, Secunderabad.
2. The Divisional Railway Manager (P), Booda Guage/Secunderabad, South Central Railway, Secunderabad.
3. The Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
4. One copy to Mr. S.R.K.Murthy, Advocate, CAT., Hyd.
5. One copy to Mr. D.F.Paul, SC for Rlys, CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

6/10/97
(7)
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 23-10-97

ORDER/JUDGMENT

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

in

O.A.NO. 974/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

