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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No. 1487 of 1997

Date of Decision:
11th December, 1997

Between:

Adduru Kamala & (2) A. Ravi Kumar .. Applicants

AND

Union of India - Represented by:

1. General Manager,
South Eastern Railway,
Calcutta-43.
2. Divisional Railway Manager,
S.E. Railway, Visakhapatnam.
3. Sr. Divisional Mechanical Engineer (Diesel)
S.E. Railway, Visakhapatnam.

.. Respondents

COUNSEL FOR THE APPLICANT: MR. Y. SUBRAHMANYAM

COUNSEL FOR THE RESPONDENTS: MR. C.V. MALLA REDDY

CORAM:

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

ORDER

(PER HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.))

1. Heard Mr. Y. Subrahmanyam and Mr. C.V. Malla Reddy for the parties.

2. The applicants herein are the widow and the 3rd son of late A. Simhachalam, Diesel Mechanic, who passed away on 21.5.1995. The 1st applicant has 3 sons, of whom the elder two are pursuing their studies in professional colleges and, therefore, are neither seeking nor able to take up any job. The third son, who is the 2nd applicant in this O.A. seeks employment on compassionate grounds. The mother herself is not physically fit to accept any regular job on a sustained basis. The authorities have, however, turned down the request

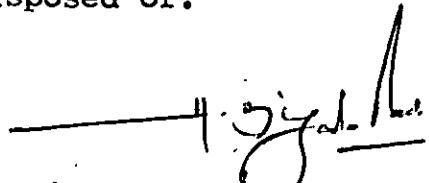
Q/11

of the 1st applicant (Annexure-V, page-13) for compassionate appointment to her 3rd son, the second applicant.

3. It is noticed now from the additional documents filed by the applicant that the lady has submitted a further representation to the authorities.

4. It is directed that Respondent-2 may have the case examined afresh on the basis of the facts contained in the representation, and also in this O.A., with a view to arriving at a suitable decision. The same may be communicated to her within 6 weeks from the date of receipt of a copy of this order. In case her request comes to be rejected, the reasons or grounds for the same shall have to be stated and the order that will be so communicated shall have to be a speaking order. If the applicant happens to have any grievance in the matter arising from such decision, she has the liberty to reagitate the same before this Tribunal, if so advised.

Thus the O.A. is disposed of.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 11th December, 1997
Dictated in the open court.

*dictated by
Deputy Registrar*

KSM

-3-

O.A. 1487/97.

To

1. The General Manager, SE Rly,
Union of India, Calcutta-43.
2. The Divisional Railway Manager,
SE Rly, Visakhapatnam.
3. The Sr. Divisional Mechanical Engineer(Diesel)
SE Rly, Visakhapatnam.
4. One copy to Mr.Y.Subramanyam, Advocate, CAT.Hyd.
5. One copy to Mr.C.V.Malla Reddy, SC for Rlys, CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm

22/12/97

I Court

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE

VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

DATED: 11-12-1997

ORDER/JUDGMENT:

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

in

Q.A.No. 1487/97

T.A.No.

Q.W.P

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासन अधिकार अधिकार
Central Administrative Tribunal
द्वेष्टा /DESPATCH

22 DEC 1997

हैदराबाद न्यायालय
HYDERABAD BENCH

BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

M. A. No. 1175 | 97
in

O.A. No. 1487/97

Between:

- 1) A. Kamala, W/o Late Simhachalam
Ex-Diesel Mechanic, Residing Opposite to:
S.E.Rly. Goods Shed, S.E. Rly.,
Kothavalasa., Kothavalasa Mandal
Vizianagaram District. ... Applicant
- 2) A. Ravi Kumar, S/o A. Kamala W/o
Late A. Simhachalam - aged 19 years
with address as per applicant-I. .. Proposed
Petitioner/Applicant.

A N D

Union of India - Represented by:

- 1) General Manager,
S.E. Rly., Calcutta-43.
- 2) Divisional Railway Manager,
S.E. Rly., Visakhapatnam
- 3) Senior Divisional Mechanical Engineer, .. Respondent/
S.E. Rly., Visakhapatnam. Respondents

Petition filed Under Order 1, Rule 10(2) under Sec.151 C.P.C.

For the reasons indicated in the accompanying affidavit, the Petitioner/Applicant-2 prays the Honourable Central Administrative Tribunal to be pleased to implead him as 2nd Petitioner/Applicant in the O.A. and pass such other order/orders as the Honourable Tribunal may consider as incidental and consequential to the circumstances of the case.

Station: Visakhapatnam

Date: 30-11-97

Y. Ravi Kumar,
Connel for Petitioner.

BEFORE THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : HYDERABAD
M.A. No 1175/97
O.A. No. 1487/97

Between:

1) A. Kamala, W/o late A. Simhachalam,
Ex-Diesel Mechanic,
Residing Opposite to: S.E.Rly.Goods Shed,
S.E. Railway, KOTHAVALASA RS.,
Kottavalasa Mandal,
Vizianagaram District. ... Applicant.
2) A. RAVIKUMAR S/o A. Kamala aged 19 years
A N D ... Proposed Applicant

Union of India - Represented by:

1) General Manager,
S.E. Railway, Calcutta-43.
2) Divisional Railway Manager,
S.E. Railway, Visakhapatnam.
3) Senior Divisional Mechanical Engineer,
S.E. Railway, Visakhapatnam ... Respondents

AFFIDAVIT FILED BY PETITIONER

I) I, A. Ravi Kumar, S/o Applicant, A. Kamala, W/o Late
A. Simhachalam aged 19 years, passed ISC and resident of
Kottavalasa, Vizianagaram District do hereby solemnly affirm
and state as follows:

I am the applicant's 3rd son for whom assistance of
compassionate appointment was prayed for and hence I know
the full facts of the case.

On the application submitted by Petitioner/applicant under
letter dated 23-12-96, the DRM(P) under letter dated 3-2-97
advised the applicant to apply for her son's (Ravi Kumar)
appointment immediately on his attaining majority i.e. by
13-6-97 to further examine the case as per the relevant rules.

The applicant in the case applied to the DPO - S.E.Rly.
Visakhapatnam requesting for provision of compassionate
appointment to her son A. Ravi Kumar.

The DRM (P) under letter No.WPT/5/114/96, dated 29-7-97
conveyed to applicant to the effect that competent authority
has not agreed to consider her request for appointment of

her son Ravi Kumar on compassionate grounds. When my mother was bed ridden and mentally upset I had to appeal directly to DRM, S.E.Rly., Visakhapatnam and General Manager, S.E. Rly., Calcutta who are competent authorities to reconsider the decision conveyed in DRM (P)'s letter dated 29-7-97, when no reply is received the matter was moved before Honourable CAT. ~~They~~ and their lordships have optioned that no direction can be given for 3rd party application unless he is impleaded in the O.A.

I therefore pray that the Honourable Central Administrative Tribunal may be pleased to implead me as 2nd Applicant as I am actually the proper and necessary party in the suit and to be appointed on compassionate grounds and to pass such other order/orders as the Honourable Tribunal may deem fit

PL ~~and proper in the circumstances of the case. A copy of the appeal submitted by Applicant No. 1 is enclosed which contains circumstances under which I submitted appeal.~~

Unless the above is considered and ordered, the deponent will face undue hardship and irreparable recurring loss and injustice.

A. Ram Kumar,

D e p o n e n t .

Solemnly affirmed and signed before me on this.....
day of 30.11.97. 1997.

*Mr.
C.S.S.NARAYANA)*
Attesting A d v o c a t e .

To

The Divisional Railway Manager,
South Eastern Railways,
VISHAKHAPATNAM.

Sub:- Regarding Provision of appointment on Compassionate ground for person who died during service.

Ref:- Your Letter No.WPT/5/104/96 dated 29-07-97.

Your Letter has been received and I could not appeal on the same to your goodself due to my being bed ridden and suffering due to sickness. Hence my third son A.RAVI KUMAR in whose favour Compassionate appointment has been prayed for has submitted an appeal to your goodself. As no reply has been received with your considered opinion, I am submitting here with the detailed Circumstances under which I have approached your goodself for provision of compassionate appointment. In this Connection I beg to submit that my husband Sri A. SIMHACHALAM while working in Diesel locomotive has suddenly died due to heart attack on 21-05-95.

I submit that my husband while alive has given great importance for educating our children to higher technical studies. As a result he had to incur debts with a hope that on completion of the education the children will help him to discharge the debts. But an unexpected thing has happened, even I wanted to serve and get the education of my children continued as but as ill luck has been changing me, I have become bed ridden resulting in prayer for provision of compassionate appointment to my third son who has passed only I.S.C in whose favour I have decided to discontinue his studies in order to support the family and enabling me to continue their education with his salary ^{Other two children, meet medical expenses} as well as my family Pension.

I have received Rs. Provident Fund	:	Rs.6,000/-
Leave Salary	:	Rs20,000/-
DCRG	:	Rs65.086/-

Due to my husband who has deceased being the only sole earner of bread working in Lower group C cadre had no alternative to then to incur debts to the tune of over 50,000/- for our son's education, medical needs and normal social obligations. And hence no amount could be invested in bank as deposits etc., to get some monthly income. the deceased has no house of his own and the applicant and children had to live in rented quarter, the rents of which are exorbitant even for a ^{and} substantial house. The applicant is getting only Pension of Rs.860/- and relief admissible. There is no earning member in my family.

(Cont....)

IN view of the above submission I placed my self in Indigoat
circumstances requiring help which is the need for the present.

I shall therefore be much obliged if you will reconsider the
above aspects and provide my son a suitable compassionate appointment
to enable my family to pull on for the rest of life.

Thanking you,

Yours faithfully,

Venkatesh
25-11-97

Kamala
(Smt. ADDURU KAMALA,
W/o,Late A.SIRUMCHALAM)

Impaling Petition filed

as per the direction of the

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

M.A.No. 97

in

O.A.No. 1487/97

Between:

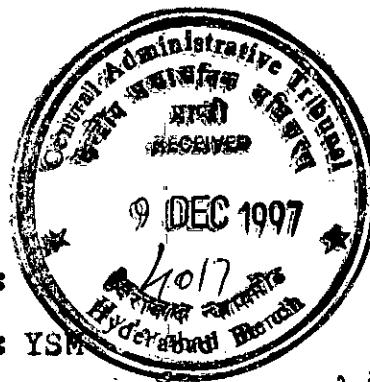
1) A. Kamala, W/o late Simhachalam .. Applicant
2) A. Ravi Kumar .. *Protestant* *Applicant*

A N D

Union of India - Rep. by:

General Manager,
S.E.Rly., Calcutta
and 2 others ... Respondents

Petition filed Under Order 1, Rule 10(2)
and Section 151 C.P.C.



Filed on :

Filed by : YSM

Ady to : 10-12-77

Address:

Y. SUBRAHMANYAM,
Advocate,
D. No. 45-58-7,
Narasimhanagar,
Visakhapatnam. 24.

May be for 10/12/97

MA 1175/97 in of 1487/97

OR/ORIGINAL

रेलवे/RAILWAY

एकल ददस्य केस

SINGLE MEMBER CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A. NO. 1175 OF 1997.

IN

D.A. NO. 1487 OF 1997

~~Q/~~
HHRP
m(A)

KSM

Impud Petition

Mr. Y. Subrahmanyam,
COUNSEL FOR THE APPLICANTS.

AND

Mr. C. V. Malla Reddy,
Sr. ADDL. STANDING COUNSEL FOR
C.G.Rlys.