

63

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.960/99

DATE OF ORDER : 9.12.1999.

Between :-

Anangi Simhadri

...Applicant

And

1. General Manager,
(Representing UOI), S.C.Railway,
Rail Nilayam, Secunderabad-500 071.
2. The Divisional Railway Manager,
South Central Railway, Divisional
Offices, Vijayawada-520 001,
Krishna Dist., AP.

...Respondents

-- -- --

Counsel for the Applicant : Shri S.Ramakrishna Rao

Counsel for the Respondents : Shri C.V.Malla Reddy, SC for Rlys

-- -- --

CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

-- -- --

...2.

(Order per Hon'ble Justices Sri D.H.Nasir, Vice-Chairman).

Heard Sri S.Rama Krishna Rao, learned counsel for the applicant and Sri C.V.Malla Reddy, learned Standing Counsel for the Respondents.

2. The applicant in this OA is seeking a direction to be issued to respondents to consider his case for appointment on compassionate ground on any post suitable according to his qualifications and eligibility in order to provide succor to the indigent family.

3. The applicant's claim is opposed by the respondents. The learned Standing Counsel for the Respondents points out that the applicant's father A.Koteswar Rao died on 10.6.1996 due to heart attack while working as carpenter under Inspector of Works, South Central Railway, Nellore. He was 55 years 11 months and 9 days old. He died after rendering qualifying service of 25 years and 7 months. Further according to the learned Standing Counsel for the Respondents, it cannot be accepted that the members of the family of the deceased were passing through any indigent circumstance or they were exposed to vagrancy as a result of death of the bread winner of the family. It is pointed out by the learned Standing Counsel that the deceased had three daughters and one son out of whom two daughters were already married and the 3rd was unmarried. It is not disputed that the applicant is married. The wife pre deceased her husband on 25.7.1993. It is further submitted on behalf of the respondents that a sum ^{was} such as Rs.1,50,234-00 which the deceased government servant

(2)

- 3 -

was entitled to receive as terminal benefits were paid to the aforesaid surviving members of the family of the deceased and on that account also according to the learned standing counsel for the respondents there was no case for assuming that the applicant or any other dependent member of the family of the deceased were beset with any indigent situation. It is also pointed out by the learned Standing Counsel that the applicant submitted a certificate issued by the Grampanchayat Office, Bogole, from which it is disclosed that the applicant owns a dwelling house. The applicant's case for compassionate appointment was also enquired into by the Welfare Inspector. The Welfare Inspector submitted his report in September, 1996 along with the applicant's representation dated 19.7.1996 and on examining the report of the Welfare Inspector, the Divisional Railway Manager, South Central Railway, Vijayawada arrived at a conclusion that the applicant was not entitled for compassionate appointment. The applicant was informed accordingly. It is further mentioned in para-6 of the counter affidavit that a representation of the applicant had been received by the Respondents through Sri Rayapati Sambasiva Rao, Member of Parliament to which a reply was sent explaining the case position to Sri R.Sambasiva Rao vide letter dated 29.5.1998.

4. According to the learned counsel Sri S.Ramakrishna Rao for the applicant, the circumstances in which compassionate appointments had to be made were described in the Railway Board's letter dated 6.2.1982, 24.5.1982 and 27.12.1983, from the perusal of which it

- 4 -

emerges that when the widow of the deceased employee cannot be taken up in the employment, Railways could keep the case for appointment on compassionate grounds open to enable consideration of a minor son when he attains majority. It is further submitted by Sri S.Ramakrishna Rao that in similar circumstances the cases of other deceased employees were processed during 1996 to 1998 and compassionate appointments were made in number of cases with a view to saving the wards from indigent conditions. The applicant's case is yet to be finalized and had been kept pending for no fault of the applicant and no reasons were assigned for keeping the case pending for such a long time.

5. It cannot be disputed that in almost all cases of compassionate appointments large or small terminal benefits will be received by the heirs of the deceased. If that situation is taken into consideration as the deciding factor, perhaps no appointment can be made on compassionate grounds. Barring this factor no other constraint seems to be coming in the way of the applicant for compassionate appointment.

6. As stated earlier a representation dated 19.7.1996 is pending consideration by the respondents and I believe that under the given facts and circumstances the ends of justice would be served if a suitable direction is issued to the respondents to consider the applicant's case sympathetically.

7. This OA is therefore disposed of with a direction to the Respondent No.1 to consider the applicant's case sympathetically and

②

decide the same within 2 months from the date of receipt of a copy of this order. The Respondent No.1 shall allow the applicant to be heard personally if the applicant so desires by making a suitable application for that purpose. Apart from looking into the grievance of the applicant as may have been made by the applicant in the representation already submitted, Respondent No.1 shall also consider the views expressed above by this Tribunal and also deal with the pleas taken by the applicant in the present OA before arriving at a final conclusion.

8. The Registry is directed to forward a copy of the OA along with its accompaniments to Respondent No.1 to enable him to consider the applicant's case on merits after examining various issues which arise for consideration in this case.

9. Original Application disposed of accordingly with no order as to costs.


(D.H.NASIR)

VICE-CHAIRMAN

DATED: December, 1999.

DICTATED IN OPEN COURT.



AVL/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.
HYDERABAD.

1ST AND 2ND COURT

COPY TO.

1. HDHND ✓
2. HRRM M (ADMN) ✓
3. HGSJP.M. (JUDL) ✓
4. D.R. (ADMN) ✓
5. SPARE ✓
6. ADV CATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE DH. NASIR
VICE-CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL)

DATE OF ORDER 9/12/99

MA/RA/CP.NO.

IN
CA.NO. 960/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED.

NO ORDER AS TO COSTS

