

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.234/99.

Dt. of Decision : 15-09-99.

Ch.Anjaneya Prasad Rao

.. Applicant.

Vs

1. The General Manager,
3rd Floor, Rail Nilayam,
SC Rly, Sec'bad-500 371.
2. The Divl.Rly.Manager,
Divisional Office,
SC Rly, Vijayawada-520 001,
Krishna District.

.. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

Counsel for the respondents : Mr.D.Francis Paul, SC for Rlys.

CORAM:-

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

ORDER

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.D.Francis Paul, learned counsel for the respondents.

2. The applicant herein while working as Train Lighting Fitter Gr-I was medically partially decategorised and was offered to the post of Group-D which was not commensurate with the services rendered by the applicant.

Jk.

..2/-

-2-

Hence he sought retirement from service w.e.f., 30-05-1992 vide letter No.BP/11/II/CS dated 7-7-1992 he was permitted to retire from service.

3. On account of such premature retirement from service, the applicant submitted representation to the respondent authorities to consider the case of his son Ch.Chandra Sekhar for appointment on compassionate ground. His representations were not considered.

4. Hence, he has filed this OA for a direction to the respondents to consider the case of the applicant's son for appointment on compassionate ground, consequent upon his discharge from service on medical grounds in any suitable posts commensurate with the qualifications of ~~the~~ his son and duly declaring the inaction on the part of the respondents as arbitrary, illegal and violative of Article 14 and 16 of the Constitution.

5. At the time of admission hearing, the learned counsel for the respondents relied upon the decision of the Hon'ble Supreme Court in the case of Auditor General of India and Others Vs. G.Ananta Rajeswara Rao (reported in 1994 (26) ATC 580) to contend that compassionate ground appointment can be provided only ^{where} an employee dies in harness and that employee in this case was ^{Voluntarily} retired on medically partially decategorised, and that his case for providing compassionate ground appointment ^{to his son} cannot be considered.

6. However, the learned counsel for the applicant brought to my notice the Railway Board's letter No.E(NG)III/78/RC.I/1 dated 3-9-83 ^{(Ann VIII p.25). By Board} wherein they have considered that on account of offering a lower post to the railway employee if the railway employee refused to accept the said lower post ^e than the

Tr ✓

..3/-

-3-

appointment for compassionate ground to his children may be considered at the discretion of the competent authority provided that the employee had less than 3 years of service before superannuation at the time of declaration is taken. Thus contending the learned counsel for the applicant submitted that at the time when the applicant retired from service he was aged about 52 years and had more than 3 years of service to his credit and on the basis of the letter of the Railway Board the respondents are expected to consider his representations.

7. Since the representations of the applicant are still to be disposed of, I feel it proper to direct them to consider the representation of the applicant for providing appointment on compassionate ground to his son Ch.Chandra Sekhar in accordance with the guidelines issued by the Railway Board and send a suitable reply to the applicant.

8. Hence, the following directions are given:-

(a) The R-1 shall consider the representations dated 1-12-98 and 18-12-98 of the applicant in accordance with the extant rules and instructions issued by the Railway Board from time to time for considering the case of the applicant's son for appointment on compassionate ground.

(b) The R-1 shall consider those representations within 2 months from the date of receipt of a copy of this order.

(c) The R-1 shall intimate the applicant through a speaking order his decision.

With the above direction the OA is disposed of at the admission stage itself. No order as to costs.

(Registry to send a copy of the OA along with the judgement to R-1)

B. S. Jai Parameshwar
15.2.99
(B.S.JAI PARAMESHWAR)
MEMBER(JUDL.)

Dated : The 15th Feb. 1999.
(Dictated in the Open Court)

spr