

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

37/99
O.A. SB.No.3550/98

Date of Order : 24.12.98

BETWEEN :

Mrs. Surya Prabhavati

.. Applicant.

AND

1. Union of India, rep. by the
Secretary to Govt. of India,
Ministry of Railways,
New Delhi.
2. The General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad.
3. The Divisional Railway Manager,
S.C.Railway, Vijayawada.

.. Respondents.

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Counsel for the Applicant

.. Mr. Shiva

Counsel for the Respondents

.. Mr. J.R. Gopala Rao

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CORAM :

HON'BLE SHRI R. RANGARAJAN : Member (Admn.)

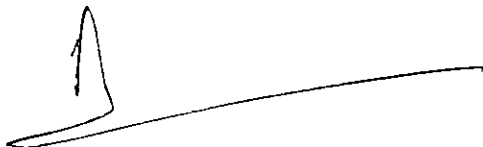
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O R D E R

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

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Mr. Shiva, learned counsel for the applicant
and Mr. J.R. Gopala Rao, learned standing counsel for
the respondents.



2. The applicant approached this Tribunal by filing an OA.161/96 which was disposed of on 20.9.96. That OA was filed for appointing her on compassionate ground commensurate with ^{her} suitable qualification. That OA was disposed of with the following direction :-

" 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 in the 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".

3. In pursuance of that direction the applicant filed her representation dated 28.10.96 (A-1) addressed to R-3. Para-6 of that representation is relevant. As per that representation she has requested R-3 to consider her application for compassionate ground appointment in the interest of justice. That representation was disposed of by the impugned order No.B/P.Cen.564/148/91, dated 31.1.97 (A-3). The relevant points in the rejection letter are as follows :-

(a) Her request for compassionate ground appointment to her son was considered by the authorities concerned in pursuance of the Tribunal's order dated 20.9.96.


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(b) But that request was rejected as the applicant herein does not produce to show any record that she is legally married second wife of late T.Durga Prasada Rao.

4. This OA is filed to set aside the impugned order dated 31.1.97 and for a consequential direction to the respondents to consider the case of the applicant for appointment to any suitable post on compassionate grounds and appoint her within a period of 2 months.

5. It is not necessary to go into the merits of this case at this juncture. As the impugned order dated 31.1.97 itself ^{is} ^a ~~does~~ not proper and appropriate ^a reply to her representation dated 28.10.96.

6. In her representation dated 28.10.96 the applicant had requested for compassionate ground appointment to her only not to her son. Where as the impugned reply dated 31.1.97 indicates that her request for compassionate ground appointment to her son was considered. The applicant states that she has no son and she only requested for compassionate ground appointment ^{to her} by her representation dated 28.10.96. Hence consideration of her case for compassionate ground appointment to her son does not arise. The respondent authorities had mechanically passed the order without seeing the contents of her representation or checking up whether the applicant has got a son or not.

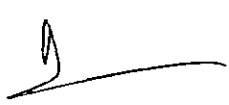


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7. It is also stated in the impugned order dated 31.1.97 that the applicant has not produced any records in regard to her legal marriage with late T.Durga Prasada Rao. The learned counsel for the applicant submits that the final settlement dues of her late husband was shared by her and the first wife of the deceased employee. If so stating that the applicant has to produce proper records in regard to her legal marriage with late T.Durga Prasada Rao does not arise. Without the proof, the respondents would not have granted the share of the final settlement ^{due} ~~due~~ to the applicant herein. Hence ~~on~~ the face of it ~~the~~ asking for the records from the applicant to show her legal wedding does not appear to be in order.

8. From the above analysis I am of the opinion that the respondents have not applied their mind while issuing the impugned order dated 31.1.97. A responsible railway organisation cannot dispose of a representation without properly scrutinising the details. ^{from prefaction} The ~~prefatory~~ reply given to the applicant ^{it} appears that the respondents are very careless in discharging their duties if the facts mentioned above are in order.

9. Hence I am of the opinion that the impugned order dated 31.1.97 is liable only to be set aside and further direction has to be given to the respondents to reconsider



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the issue in depth after collecting all the relevant details and pass a speaking appropriate order which will meet the ends of justice and that order should be passed very quickly within a period of one month from the date of receipt of a copy of this order.

10. In the result, the impugned order dated 31.1.97 is set aside and R-3 is directed to issue a detailed speaking order to the earlier representation of the applicant dated 28.10.96 in accordance with rules after fully scrutinising the details from the records or if required from the applicant also. That reply should be issued to the applicant by R-3 within a period of one month from the date of receipt of this order.

11. The OA is ordered accordingly at the admission stage itself. No costs.



(R. RANGARAJAN)
Member (Admn.)

Dated : 24th December, 1998

(Dictated in Open Court)



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