

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO. 170/00078/2017

DATED THIS THE 17<sup>TH</sup> DAY OF OCTOBER, 2017

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (A)

Ashok V  
S/o Venkatesh S,  
Aged about 21 years,  
Residing at No. 30,  
Thanuja Nilaya,  
Kumbarakoppal,  
Mysore – 570 002.

.....Applicant

(By Advocate Shri B.S. Venkatesh Kumar)

Vs.

1. Union of India represented by  
General Manager,  
South Western Railway,  
Headquarters Office,  
Gadag Road,  
Hubli – 580 020.

2. The Senior Divisional Personnel Officer,  
Divisional Office,  
Personnel Branch,  
South Western Railway,  
Mysore Division,  
Mysore – 570 021.

....Respondents

(By Shri N. Amaresh, Railway Standing Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The applicant's father who was a Porter afterwards was taken as a Gangman with a condition that within two months' time he must learn to read

and write. Apparently after a period of one year also no test was conducted by the Railways and therefore whether the applicant's father became proficient in reading and writing could not be ascertained. While so, on a pilgrimage he passed away and the applicant had sought for compassionate appointment. Now apparently the Railways had objected to it on the ground that applicant's father was not competitive to be included in the staff of the Railways and therefore to be considered eligible for compassionate appointment. This does not appear to be correct. It was the duty of the Railways to conduct a test and if they had conducted a test and the applicant's father had failed and had removed him from the post of Gangman then the contention of the Railways would have been correct. Even if the applicant's father had been failed in the test and had been given another chance to appear in the examination even then he will continue to be in the employment of the Railways as a Gangman and his son will be therefore eligible to be considered for compassionate appointment. Therefore all the orders contrary to this are quashed and a mandate is issued to the Railways to consider the applicant in comparison with the others. Even though they may look into Annexrure-A19 also, it should be *pari materia* applicable to others as well. This must be done within three months next. The OA is allowed to this extent. No order as to costs.

(PRASANNA KUMAR PRADHAN)  
MEMBER (A)

(DR. K.B. SURESH)  
MEMBER (J)

/ksk/

**Annexures referred to by the applicant in OA No. 170/00078/2017**

**Annexure A1:** True copy of offer of appointment No. Y/P.563/I/Rect. Of Licensed Porter dated 27.05.2008

**Annexure A2:** True copy of attestation form of applicant's father

**Annexure A3:** True copy of appointment order No. Y/P.564/I/Appt. Of Licd. Porter as Trackman dated 05.06.2008

**Annexure A4:** True copy of posting order No. Y/W.135/Newly Recruited/Group 'D' GI dated 11.06.2008

**Annexure A5:** True copy of Office Order No. Engg/68/2008 dated 28.07.2008

**Annexure A6:** True copy of free pass by second class of the applicant's father to Tirupati

**Annexure A7:** True copy of death certificate of applicant's father

**Annexure A8:** True copy of PPO dated 31.03.2010 of the applicant's father

**Annexure A9:** True copy of letter No.Y/P.269/09/09/2564(V) dated 25.06.2012

**Annexure A10:** True copy of representation for compassionate appointment dated 13.05.2014

**Annexure A11:** True copy of representation of the applicant for compassionate appointment dated 11.08.2014

**Annexure A12:** True copy of representation for compassionate appointment dated 11.08.2014

**Annexure A13:** True copy of representation for compassionate appointment dated 24.04.2015

**Annexure A14:** True copy of letter No.Y/P.269/09/09/2565(V) dated 04.08.2015 issued by the 2<sup>nd</sup> respondent.

**Annexure A15:** True copy of letter No.Y/P.269/09/09/2565(V) dated 08.11.2016

**Annexure A16:** True copy of representation of the applicant for compassionate appointment dated 20.11.2016

**Annexure A17:** True copy of representation of the applicant for compassionate appointment dated 18.01.2017

**Annexures referred in reply statement**

**Annexure R1:** True copy of statement of settlement dated 31.03.2010

**Annexure R2:** True copy of Railway Board Circular No. 2010/AC-II/21/18 dated 16.08.2013

**Annexures referred in rejoinder**

**Annexure A18:** True copy of railway money receipts of various dates with writings on the rear side

**Annexure A19:** True copy Railway Board RBE No. 47/1997 dated 01.04.1997 clarification regarding appointment on compassionate ground.

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