

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00837/2016

DATED THIS THE 18th DAY OF JULY, 2017

HON'BLE JUSTICE SHRI HARUN UL RASHID, MEMBER (J)

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

K.Venkataramana
Son of V.Kondaiah
R/at Manimala Building
Near Little Bloom School
4th Cross, Devasandra
K.R.Puram
Bangalore-560 036.

.....Applicant

(By Advocate Shri P.Nanda Kumar)

Vs.

1. The General Manager
(Represented by Union of India)
South Western Railway
Hubbali.
2. The Senior Divisional Personal Officer
South Western Railway
Bangalore Division
Bangalore-560 023.
3. The Divisional Railway Manger
South Western Railway
Bangalore Division
Bangalore-560 023.

....Respondents

(By Advocate Sri. Nizam Abbas)

O R D E R (ORAL)

(PER HON'BLE SHRI PRASANNA KUMAR PRADHAN, MEMBER (ADMN))

The applicant has filed the present OA seeking direction on the respondents to consider his case for appointment to any suitable post under compassionate ground.

2. According to the applicant, his mother Smt.Yenkamma while working as

safaiwala at Railway Hospital expired on 25.6.2011. The applicant submitted an application seeking appointment on compassionate ground on 8.1.2015(Annexure-A3). He also produced all the required documents sought by the respondents. However, no reply was received by the applicant from the respondents. Hence he sent a legal notice dated 3.3.2016 to which the respondents replied on 28.4.2016 saying that the competent authority has not agreed for the compassionate ground appointment(Annexure-A13). Thereafter, he sent further notice on 12.5.2016(Annexure-A14) requesting the respondents to intimate the reasons for not agreeing to his request for compassionate appointment. However, there is no further response to the same. Hence, he approached this Tribunal seeking the aforesaid relief.

3. The respondents have filed a reply statement in which they submitted that the applicant's mother who was working under the respondents had died on 25.6.2011 and all the settlement dues were given to the family which comprises of her husband, first son, second son(Applicant) and the married daughter in equal proportion. The husband of the applicant's mother who was working in the State Government has retired and is in receipt of pension in addition to the family pension. The applicant was already married and working as cab driver. The applicant's brother is also married and living separately and his sister is also married and residing in her matrimonial house. The married daughter had also submitted an application for appointment on compassionate ground but she was not considered eligible as she was not having any requisite educational qualification. The applicant is over aged and no family member is dependent on the deceased employee. Neither the applicant was dependent nor there anybody else in the family who needs to be looked after. There are no financial constraints in the family of the deceased and hence the applicant does not merit any appointment on compassionate ground.

4. The applicant has filed rejoinder saying that though they received financial settlements, there are existing loans which does not make them financially sound. Moreover he has been approaching the respondent No.2 from the date of his mother's demise. Since the applicant's qualification is less than 10th standard, he was forced to appear for the SSLC exam and he passed the same. The applicant belongs to Scheduled Caste and there is no bar for age under compassionate ground appointment. He also submits that he was earlier working with a Transport Company but resigned from the same as he was assured by the respondents for appointment on compassionate ground.
5. Heard the Learned Counsel for the parties who reiterated the submissions made in the OA and in the reply statement. It was accepted by the Learned Counsel for the respondents that no formal communication citing reasons for non-consideration of the applicant's case has been made by the authority to the applicant.
6. We have carefully considered the facts of the case and submissions made by either side. On the representation of the applicant for consideration of his case for compassionate appointment, a communication was initially sent by the respondents saying that the competent authority has not agreed for compassionate appointment but did not cite any reason for the rejection. Thereafter, the applicant's Counsel requested for intimating the reasons for non-consideration of his case for compassionate appointment. However, the authority has not responded to the same as yet. There is no order/communication to the effect that the case of the applicant was duly considered by the respondents for appointment on compassionate ground and the reasons for rejection of his case has not been indicated. Therefore, without going into the merits of the case, we are of the view that it would be appropriate if the respondents are directed to

consider the request of the applicant for compassionate appointment on merit and in the light of the existing provisions for compassionate appointment and pass a reasoned order. Therefore, we direct the respondents to consider the representation of the applicant seeking appointment on compassionate ground and pass a reasoned order within a period of three(3) months from the date of receipt of a copy of this order and communicate the same to the applicant. The applicant is also directed to produce a copy of this order to the respondents within ten(10) days from its receipt.

7. The OA is accordingly, disposed of in terms of the aforesaid direction. No order as to costs.

(P.K.PRADHAN)
MEMBER (A)

(JUSICE HARUN UL RASHID)
MEMBER (J)

/ps/

