

OA.No.170/00932/2016/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00932/2016

DATED THIS THE 12<sup>TH</sup> DAY OF JUNE, 2018

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

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

C. Shivakumara,  
S/o Chinnappa Nagappa,  
Aged 35 years,  
Residing at Bharath Oil Mill Compound,  
Behind KSRTC Bus Stand,  
Harihar – 577 601,  
Davanagere District

...Applicant

(By Advocate Shri B.S. Venkatesh Kumar)

Vs.

1. Union of India

Represented by General Manager,  
South Western Railway,  
Headquarters Office,  
Hubli – 580 020.

2. The Chief Personnel Officer,  
South Western Railway,  
Headquarters Office,  
Hubli – 580 020.

3. The Senior Divisional Personnel Officer,  
South Western Railway,  
Mysore Division,  
Mysore – 577 001

4. The Divisional Railway Manager,  
South Western Railway,  
Mysore Division,  
Mysore – 577 001

...Respondents

(By Shri. N. Amaresh, Senior Panel Counsel)

O R D E R (ORAL)

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

Heard. The applicant seeks compassionate appointment on the death of his father who passed away on 10.02.2001. The applicant would say that on the advice of somebody in the office his illiterate mother had represented that he had passed 8th standard whereas he had only passed 6th standard. Apparently vide order in Annexure-A5 dated 23.09.2002 it was found that

the school records shows that the qualification allegedly obtained by the applicant is bogus and therefore his appointment was rejected. Apparently the Railways offered alternative employment opportunity for the widow but then she was found to be unfit medically in all categories therefore could not be appointed.

2. The applicant now says that he had thereafter passed the open Karnataka school examination on 26.07.2012 and thereafter had applied which, according to them, had not resulted in any favourable orders and therefore he had approached the Court. By now the applicant is 40 years old and therefore the benefit to the public exchequer on his appointment had diminished significantly. There is no other reason for the delay other than on the part of the applicant. By this time not only his usefulness to the department has diminished, since he had survived all these while, the immediacy of the concerned which is the focus of all compassionate appointment opportunities had also diminished. The delay has occasioned after 2001 for the past 17 years only due to the laches of one sort or the other by the applicant and none else. Therefore there is no merit in the application. The OA is dismissed. But we also note with some regret that there must be some welfare officers taxed with the responsibility of advising people correctly. We find there are records that in 2002 itself the Railways had indicated that the applicant can pass 8th standard and come. May be since it was in a language foreign to them they could not understand it. Therefore there will be a direction to the concerned railway authorities to designate one welfare officer in each of the Railway divisions to advise

employees properly in this regard. Registry will forward a copy of this order to the Railway Board for them to implement it in all the divisions within the next 3 months.

3. The OA is dismissed. 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. 170/00932/2016**

Annexure A1 Copy of the death certificate of Chinnappa Nagappa

Annexure A2 Copy of the PPO issued to the mother of applicant

Annexure A3 Copy of the application dated 28.05.2001

Annexure A4 Copy of the application dated 28.05.2001

Annexure A5 Copy of the letter dated 23.09.2002 from DPO, Mysore

Annexure A6 Copy of the letter dated 20.01.2005 from DPO, Mysore

Annexure A7 Copy of the application dated 03.02.2005

Annexure A8 Copy of the SSLC certificate of the applicant

Annexure A9 Copy of the application dated 06.09.2012

Annexure A10 Copy of the particulars sought by the respondents

Annexure A11 Copy of the letter No. Y/P.269/08/04/2203(CN) dated 13.02.2013

Annexure A12 Copy of the death certificate of applicant's mother

Annexure A13 Copy of the applicant's representation dated 29.06.2016

**Annexures with Reply**

Annexure R1 Copy of Transfer Certificate of the applicant

Annexure R2 Copy of Marks Sheet of the applicant

Annexure R3 Copy of RBE No. 88/2007

Annexure R4 Copy of HQ letter dated 03.07.2017

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