

**Central Administrative Tribunal
Madras Bench**

OA/310/00746/2018

Dated Wednesday the 20th day of June Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

S. Sudalaimuthu
Medically decategorised
Posted as Lascar/Section Engineer
Virudunagar
Madurai Division.

.. Applicant

By Advocate **M/s. Ratio Legis**

Vs.

1. Union of India rep. by
The General Manager
Southern Railway
Park Town
Chennai 600 003.
2. The Chief Personnel Officer
Southern Railway
Park Town, Chennai 600 003.
3. The Sr. Divisional Personnel Officer
Madurai Division
Southern Railway
Madurai,

.. Respondents

By Advocate **Mr. P. Srinivasan**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following relief:-

“To call for the records related to the impugned order P(S) 677/I/I/MDU dated 26.10.2017 and also the records related to the appointment order served to the wards of the similarly situated employees and to quash the same and further to direct the respondents to consider applicant's daughter for compassionate appointment in terms of the existing mandatory provisions and to pass such other order/orders”

2. Learned counsel for the applicant produces a copy of R.B.E. No. 107 of 1995 dt. 22.09.1995 and submits that the applicant after being medically de-categorised was entitled to compassionate appointment for his daughter which had not been granted. His representation dated Nil in this regard was rejected by the impugned Annexure A5 communication dated 26.10.2017 reiterating an earlier decision dated 22.06.2016. The applicant was informed that following his de-categorisation, he had been absorbed in an alternative post by a duly constituted screening committee as Lascar and posted under SSE/P.way/VPT wherein the applicant was continuing as such. Accordingly, there was no provision under the extant rules to consider his request for appointment in favour of his married daughter Smt. S. Shunmugadevi on compassionate grounds. It is alleged that the applicant had not been absorbed in an equivalent post and, therefore, such absorption could not stand in the way of his daughter being granted compassionate

appointment.

3. It is further submitted that the applicant would be satisfied if he is permitted to make a comprehensive representation drawing attention of the authorities to the relevant rules and Railway Board instructions and the authorities directed to dispose of the same within a time limit to be specified by this Tribunal.

4. Mr. P. Srinivasan takes notice on behalf of the respondents.

5. Keeping in view the limited relief sought and without going into the merits of the applicant's claim, the applicant is permitted to make a representation to the competent authority within two weeks, citing the relevant rules and Railway Board instructions along with whatever supporting material in his possession to claim compassionate appointment for his married daughter. On receipt of such representation the respondents may pass an order in accordance with law and the relevant rules within a period of three months thereafter.

6. OA is disposed of at the admission stage.

(R.Ramanujam)
Member(A)
20.06.2018

AS