

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

OA.No./20/640/2016

Dated: 19/4/2018

BETWEEN:

1. V. Krishnaiah, S/o. V. Pondaiah,  
Aged about 48 years,  
Ex.Comm.Vendor/VRR/GDR,  
R/o. D.No.2-139/1, Narasingaraopeta,  
Gudur, Sri Potti Sriramulu Nellore District.
2. V. Nirmala, W/o. V. Krishnaiah,  
Aged about 44 years,  
Occ: House Wife, R/o. D.No.2-139/1,  
Narasingaropeta, Gudur,  
Sri Potti Sriramulu Nellore District.
3. V. Suresh, S/o. V. Krishnaiah,  
Aged about 20 years,  
Occ: Student, R/o. D.No.2-139/1,  
Narasingaropeta, Gudur,  
Sri Potti Sriramulu Nellore District.

..... Applicants

AND

1. The General Manager (P),  
South Central Railway, Rail Nilayam,  
Secunderabad.
2. The Chief Personnel Officer,  
South Central Railways, Rail Nilayam,  
Secunderabad.
3. The Sr. Divisional Personnel Officer,  
South Central Railways, Vijayawada.

..... Respondents

Counsel for the Applicant : Mr. P. Krishna Reddy, Advocate  
Counsel for the Respondents : Mr. T. Hanumantha Reddy, SC for Rlys.

CORAM

Hon'ble Mrs. Minnie Mathew, Administrative Member

## **ORAL ORDER**

{Per Hon'ble Mrs. Minnie Mathew, Administrative Member }

Heard Smt. P. Sarada learned counsel for the applicants and Mr. Jose Kollanoor representing Mr. T. Hanumantha Reddy, learned Standing counsel for the Respondents.

2. The brief facts of the case are that while working as Commission Vendor at Gudur the first applicant was empanelled to the post of Trackman in Engineering Department during 2002 to 2003. However, when he was sent for medical examination, he was found totally unfit for all categories. The applicants case is that since the first applicant was found medically unfit, he is entitled to get the benefit of para.3(ii) of the Railway Board Letter dated 07.06.2007 which reads as follows:

“ The eligible ward of commission vendor / bearer may be considered for appointment if they have availed their chances but failed in medical examination before absorption.”

As the first applicant failed in the medical examination he submitted an application for compassionate appointment in favour of his wife and the 2<sup>nd</sup> applicant herein. Subsequently, when he received a letter from 4<sup>th</sup> respondent asking him to furnish the educational qualification certificates and other documents, he submitted further representations dated 11.05.2013 and 23.12.2014 requesting for compassionate appointment in favour of his son on the ground of severe ill-health of his wife. It is also submitted by the applicants that in response to an application made under RTI by the wife of a co-employee it was learnt that the case of the 2<sup>nd</sup>

applicant for appointment was under consideration at the Headquarters.

However, her case has not been considered so far, although the wards of other Commission Vendors have been appointed. The applicants therefore seek a direction to the respondents to consider the case of the 3<sup>rd</sup> applicant for compassionate appointment.

3. In their reply statement the respondents state that consequent on the total medical unfitness of the 1<sup>st</sup> applicant he sought appointment on compassionate grounds for his wife who is an illiterate vide his representation dated 13.02.2008. After due enquiry a proposal with the recommendation of DRM/BZA along with the report of the Welfare Inspector and other relevant documents was sent to the Headquarters on 06.09.2013 and the matter is under consideration of the Railways for compassionate appointment in favour of the 2<sup>nd</sup> applicant. While so the applicants have filed the present OA seeking appointment in favour of the 3<sup>rd</sup> applicant (son of the 1<sup>st</sup> applicant) instead of the 2<sup>nd</sup> applicant (wife). They respondents submit that no such application was received in the Division seeking compassionate appointment in favour of the son of the ex-Commission Vendor and the 1<sup>st</sup> applicant herein. Thus the case of the respondents is that while the proposal for compassionate appointment in favour of the 2<sup>nd</sup> applicant has been processed for consideration, the representations stated to have been submitted by the 1<sup>st</sup> applicant for compassionate appointment in favour of his son are not available on record and that the OA is not maintainable as they have raised the issue for first time without exhausting the departmental channels.

4. The applicant has filed a rejoinder enclosing proof of the Registered

Letter having been sent to the Chief Personnel Officer, Secunderabad on 19.05.2015 and also to the Senior Divisional Personnel Officer and the 4<sup>th</sup> respondent on 23.12.2014.

5. From the submissions made on the either side, it is evident that the 1<sup>st</sup> applicant who was working as Commission Vendor was found medically unfit for all categories and was thus eligible for the appointment of his ward in terms of Annexure-R2 RBE No.84/07, dated 07.06.2007 and Annexure-R3 Serial Circular No.177/2010 dated 31.12.2010. In terms of these instructions he had initially applied for compassionate appointment in favour of his wife. The respondent authorities have conducted due enquiry and sent a proposal to the Headquarters on 06.09.2013 for appointment in favour of the 2<sup>nd</sup> applicant and wife of the Ex-Commission Vendor. Thus the eligibility of the ward of the 1<sup>st</sup> applicant for compassionate appointment is not in dispute. The only dispute in this case is the non receipt of the subsequent application of the 1<sup>st</sup> applicant for compassionate appointment in favour of his son and the 3<sup>rd</sup> applicant herein. In view of the Postal receipts that have been produced by the applicants in their rejoinder statement in proof of having addressed the Chief Personnel Officer on 19.05.2015 and the Sr. Divisional Personnel Officer, Vijayawada Division on 23.12.2014, I deem it proper to dispose of the OA with a direction to the 1<sup>st</sup> applicant to submit another copy of his representation for compassionate appointment in favour of the 3<sup>rd</sup> applicant along with copy of this order to the concerned respondents within a

period of four weeks from today. In the event of such representation being

received, the respondents are directed to further consider the same in accordance with the rules and pass orders and communicate the same to the applicants within a period of three months thereafter.

6. The OA is disposed of accordingly. No costs.

(MINNIE MATHEW)  
ADMN. MEMBER

Dated the 19<sup>th</sup> April, 2018  
(Dictated in the Open Court)

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