

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

OA.No./20/641/2016
Dated: 19/4/2018

BETWEEN:

1. Gorla Subbamma, W/o. Late G. Raja,
Aged about 51 years,
Occ: House wife,
R/o. D.No.2-8/200,
Chimparinайдупет,
Gudur, Sri Potti Sri Ramulu Nellore District.
2. Gorala Lokesh, S/o.Late G. Raja,
aged about 18 years,
R/o. D.No.2-8/200,
Chimparinайдупет,
Gudur, Sri Potti Sri Ramulu Nellore District.

..... Applicants

AND

1. Union of India rep. by
The Chairman, Railway Board,
Railway Bhavan, New Delhi.
2. The General Manager (P),
South Central Railway, Rail Nilayam,
Secunderabad.
3. The Chief Personnel Officer,
South Central Railways, Rail Nilayam,
Secunderabad.
4. 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. Bheem Singh representing Mrs. Vijaya Sagi, learned Standing Counsel for the Respondents.

2. The brief facts of the case are that the 1st applicant is the wife and the 2nd applicant is the son of Sri. G. Raja who died on 29.11.2008 while working as Commission Vendor at Gudur. The 1st applicant submits that her late husband was declared unfit when he was sent for medical examination. She is, therefore, eligible for appointment on compassionate grounds in terms of para.3(ii) of the Railway Board Serial Circular 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.”

In terms of the aforesaid Circular, the 1st applicant submitted a representation for considering her case for compassionate appointment. Thereupon she received a letter from the 4th respondent asking her to furnish educational qualification certificate of her husband along with other documents. As no further communication was received from the respondents, she filed an application under RTI Act to furnish the details of the wards of the Commission Vendors who were appointed on compassionate grounds. From the reply she received she learnt that her

case was under consideration at Headquarters level. However so far her request for compassionate appointment has not been approved.

3. It is further submitted that the 1st applicant on account of her ill-health made a representation on 02.06.2015 to the Chief Personnel Officer, Secunderabad to consider her son and the second applicant herein for compassionate appointment. She prays for a direction to the respondents to consider the 2nd applicant for compassionate appointment.

4. The respondents have filed reply statement in which they have stated that Sri. G. Raja, while working as Commission Vendor, Gudur, 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. Suddenly, he expired on 11.09.2008. On receipt of the application from the wife of Sri. G. Raja for compassionate appointment, a detailed report was obtained from the concerned WI and Commercial Inspector and necessary proposal was sent in favour of the applicant on 10.09.2013. As such the case of the applicant is under consideration of the Railway Administration. While so, the present OA has been filed seeking substitute appointment in favour of the 2nd applicant instead of the 1st applicant. The respondents submit that they have not received any application seeking compassionate appointment in favour of the 2nd applicant. As such the OA is not maintainable.

5. The applicant has filed a rejoinder reiterating that a representation had been given by her for compassionate appointment in favour of her son

i.e. the 2nd applicant on 02.06.2015. She further submits that

acknowledgement had been misplaced. Therefore, she is unable to produce the same.

6. From the material on record, it is seen that there is no dispute that the applicants are dependents of Sri. G. Raja who while working as Commission Vendor was empanelled to the post of Trackman but was subsequently declared medically unfit for all categories. Therefore, in pursuance of the Annexure-R1 and R2 Railway Board Letter dated 07.06.2007 and Serial Circular 177/2010 dated 31.10.2012 the Respondents have submitted a proposal to the Headquarters for considering the appointment of the 1st applicant herein. The respondents have thus admitted that there is no dispute on the eligibility of the wards of Sri. G. Raja for compassionate appointment. The only point of dispute is regarding the receipt of an application for compassionate appointment in favour of the son and the 2nd applicant herein. The respondents version is that they have not received any application for compassionate appointment in favour of the 2nd applicant.

7. In view of the fact that the applicants are otherwise eligible for compassionate appointment, there shall be a direction to the 1st applicant to submit a copy of her representation to the concerned respondent for appointment of her son and the 2nd applicant herein in terms of the Annexure-R1 and R2 within a period of four weeks along with a copy of this order. If such representation is received, the respondents are directed

to 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.

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

(MINNIE MATHEW)
ADMN. MEMBER

Dated the 19th April, 2018
(Dictated in the Open Court)