

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

Original Application No. 020/01223/2014

Date of Order : 09. 01.2018

Between :

1. Smt.T.Suseela, W/o Late T.Ranga Rao,
(Ex Junior Clerk, O/o Senior Divisional Personnel Officer/BZA,
S.C.Railway, Vijayawada) aged about 49 years,
C/o T.Nageswara Rao, H.No.20-6-161,
Ramalingeswara Rao pet, 4th Lane,
Vijayawada-520 003, Krishna District.
2. Smt. Thota Sunitha, D/o Late Sri T.Ranga Rao (Divorced),
Aged about 32 years, R/o H.No.20-6-161,
Ramalingeswara Rao Pet, 4th Line,
Vijayawada – 520 001, Krishna District. ... Applicants.

And

1. The Union of India, Rep. by the General Manager,
South Central Railway, Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer,
South Central Railway, Rail Nilayam, Secunderabad.
3. Chief Security Commissioner (R.P.F.),
Rail Nilayam, South Central Railway, Secunderabad.
4. Divisional Railway Manager,
South Central Railway, Vijayawada Division,
Vijayawada.
5. Senior Divisional Security Commissioner,
Railway Protection Force, South Central Railway,
Vijayawada Division, Vijayawada.
6. Senior Divisional Personnel Officer,
South Central Railway, Vijayawada Division,
Vijayawada ... Respondents.

Counsel for the Applicant ... Mrs. Rachana Kumari, Advocate
Counsel for the Respondents ... Mr.M.Brahma Reddy, S.C. For Rlys.

CORAM:

Hon'ble Mr.K.N.Shrivastava ... Member (Admn.)

ORAL ORDER

{ As per Hon'ble Mr.K.N.Shrivastava, Member (Admn.) }

Applicant No.1 is widow of Late Sri T.Ranga Rao and Applicant No.2 is the divorced daughter of Applicant No.1 and Late Sri T.Ranga Rao. Sri T.Ranga Rao was working as a Head Constable in Railway Protection Force (RPF). He apparently met with an accident and was subsequently medically decategorized. After his medical decategorization, he was given alternate placement in Electrical (TRD) Department vide office order dated 26.05.2008 (page-21) and later on shifted to Personnel Department vide order dated 29.09.2008 (page-23). Sri Ranga Rao died in harness on 18.10.2009 (page-18). Following the death of her husband, Applicant No.1 was duly sanctioned family pension. She had also applied for compassionate appointment for herself, which came to be rejected by the respondents vide communication dated 04.11.2011 indicating the following ground for the rejection :

“Widow is getting family pension. Son is having job in State Government. No liabilities. Education only VI Pass. Not a fit case for CG appointment on merits and considering that widow has received dues.”

2. Applicant No.2 was married to Sri Rajesh Babu. Marital discord cropped up between the Applicant No.2 and her husband and finally vide order dated 25.03.2014 of Family Court, Secunderabad (page-46), their marriage was dissolved.

3. Applicant No.2 vide her application dated 12.04.2014 applied for compassionate appointment, which has been rejected by the respondents vide impugned Anx-A-I communication dated 01.05.2014. The contents of which reads as under :

“Your request for compassionate grounds appointment to your married daughter now divorced, has been examined and it is to inform that as per extant rules such appointment will be considered only in the case of divorced / widowed daughter who wholly dependent on the Railway Employee at the time of death / medical invalidation. Since your husband expired on 18.10.2009 and married daughter divorced on 25.03.2014 as such compassionate grounds appointment to your divorced daughter is not permissible.”

4. Aggrieved by the impugned Anx-A-1 communication, the instant OA has been filed praying for the following reliefs :

(a) To call for the records pertaining to the impugned Order No.B/XP.268/AOCG/TS/2011 dated 04.11.2011 of the 5th Respondent and X/P.268/CGA/BZA dated 01.05.2014 of the 3rd respondent (Annexures-I & II) rejecting the case of the applicants for Compassionate Grounds Appointment to the divorced daughter of the deceased official, without considering the averments made by the applicant in spite of establishing that she is eligible for the Compassionate Grounds Appointment, and without considering the rules and Railway Board Circulars relied on by the applicants, declaring the same as arbitrary, illegal, unwarranted, misconceived and in violation of articles 14 and 16 of the Constitution of India;

(b) To set aside the impugned Order No.B/XP.268/AOCG/TS/2011 dated 04.11.2011 of the 5th Respondent and No.X/P.268/CGA/BZA dated 01.05.2014 of the 3rd Respondent (Annexure – I & II) rejecting the claim of the applicants seeking Compassionate Ground Appointment to her divorced daughter, without considering Railway Board's Circulars, declaring the same as arbitrary, illegal, unwarranted, misconceived and in violation of Articles 14 and 16 of the Constitution of India;

(c) To direct the Respondents to consider the case of the applicants for Compassionate Ground Appointment of divorced daughter of the deceased under Compassionate Ground Appointment of divorced daughter of the deceased under Compassionate Ground Scheme; with all consequential benefits; and be pleased to pass such other order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

5. Pursuant to the notice issued, the respondents filed their reply. On completion of pleadings, the case was taken up for hearing. Heard the arguments of Sri B.Lakshman appearing as proxy for Mrs.Rachana Kumari, learned counsel for the applicant and Sri M.Brahma Reddy, learned standing counsel for the respondents.

6. The main contention of learned counsel for the applicant was that Applicant No.2 is divorced daughter of late Sri T.Ranga Rao and in terms of the Government policy she is entitled for compassionate appointment and that rejection of her case for compassionate appointment vide impugned Anx-A-1 order dated 01.05.2014 was illegal.

7. Per contra, the contention of Sri M.Brahma Reddy, learned counsel for the respondents was that the Applicant No.1 has already been sanctioned family pension and that she had applied for compassionate appointment for herself earlier, which has been rejected by the order dated 04.11.2011 on the ground that her son was working in State Government and that the Applicant No.2 got married during the life time of late Sri T.Ranga Rao and hence was not dependent on him. He further contended that Sri T.Ranga Rao died on 18.05.2009, whereas the Applicant No.2 was divorced almost 5 years after his death i.e. on 25.03.2014 and hence she is not eligible for compassionate appointment.

8. I have considered the rival arguments of learned counsel for the parties.

9. Applicant No.1 is getting family pension. It is also not in dispute that

Applicant No.2 is a divorcee and her marriage has been dissolved vide Family Court order dated 25.03.2014, whereas her father Sri T.Ranga Rao had died on 18.05.2009 itself. I am not in agreement with the contention of learned counsel for the respondents that the request of compassionate appointment of Applicant No.2 cannot be considered for the simple reason that Applicant No.2 is a divorcee, has no separate means of livelihood and is dependent upon her widowed mother i.e. Applicant No.1 whose sole means of subsistence appears to be the family pension. The Central Government Policies on the issue of compassionate appointment for the daughters leaves no room for doubt that divorced daughters are also entitled for compassionate appointment. The contention put forth on behalf of the respondents that the son of Applicant No.1 is a State Government employee and hence the family is not in indigent condition, cannot be accepted for the reason that the son is an adult and has got his own family and there is nothing on the record to indicate that all of them are living as a joint family. Another argument of the learned counsel for the respondents is that the divorce of Applicant No.2 has taken place after 5 years of the death of her father Sri T.Ranga Rao and hence she is not eligible for compassionate appointment. But the fact is that after her divorce, Applicant No.2 has become completely dependent on Applicant No.1 whose only means of livelihood is the family pension.

10. Taking into consideration the discussions in the forgoing paras and also considering the fact that the Applicant No.2 is dependent on Applicant No.1, I am of the view that the case of the Applicant No.2 for compassionate appointment deserves to be considered by the respondents.

11. Accordingly, the OA is disposed of with a direction to the respondents to grant due consideration to the request of Applicant No.2 for compassionate appointment in accordance with the guidelines.

12. There shall be no order as to costs.

(K.N.SHRIVASTAVA)
MEMBER(ADMN.)

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