

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No. 28 of 2018
Date of order : 08-01-2018

Between :

R.Ravi Naik S/o Late Sri Narayana Naik,
Aged 30 years, Occ: Unemployee,
R/o Chruvu Thanda (Village), G.Erragudi Panchayat,
Tuggali Mandal, Kurnool District, Andhra Pradesh.Applicant

AND

1. Union of India, Rep by its Secretary,
Ministry of Railways, Railway Board,
Rail Bhavan, New Delhi.
2. The General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
3. The Senior Divisional Personnel Officer,
Guntakal Division, South Central Railway,
Guntakal, Andhra Pradesh.
4. The Divisional Personnel Officer,
Personnel Brach, South Central Railway,
Guntakal, Andhra Pradesh.

...Respondents

Counsel for the Applicant: Mr G.R.Sudhakar

Counsel for the Respondents : Mr M.Brahma Reddy, SC for Rlys

CORAM :

THE HON'BLE MR. K.N.SHRIVASTAVA,ADMINISTRATIVE MEMBER

(Oral order per Hon'ble Mr.K.N.Shrivastava,Administrative Member)

Heard Mr G.R. Sudhakar, learned counsel for the applicant. Issue notice to Respondents.

2. Mr Brahma Reddy, learned Standing Counsel for Respondents accepts

notice on behalf of the Respondents.

3. The applicant is seeking compassionate appointment following death of his father Sri Narayan Naik who died in harness on 13.02.201 while working as Sr. Gangman in Guntakal Division of Respondent Railway Department. Apparently after the death of his father, his mother earlier had submitted an application to the Respondents seeking compassionate appointment in favour of her elder son (elder brother of the applicant). Before the request for compassionate appointment could be considered, mother as well as the elder brother died. The applicant is the only surviving sibling eligible for compassionate appointment.

4. The applicant has submitted an application dated 16.08.2005 seeking compassionate appointment which was duly acknowledged by the Respondents as could be seen from Annexure A-5 letter dated 12.04.2017 of the Respondents in which willingness of the applicant was sought for accepting a Group-D appointment. The request of the applicant was rejected by the Respondents vide their Annexure A-6 letter dated 19.06.2008. However, no reason has been assigned in this letter for such rejection.

5. Mr G.R. Sudhakar, learned counsel for the applicant submitted that apparently the applicant's case was rejected vide Annexure A-6 letter of the Respondents on the ground that cases which are more than three years old could not be considered as per the then existing guidelines. The learned

counsel for the applicant further submits that the restriction of three years has since been done away with by the Respondents vide OM No.14014/3/2011-Estt.(D), dated 26.07.2012, as per which, deserving cases can be considered even after three years. It was further stated that the OM dated 26.07.2012 has been followed by another OM No.14014/02/2012—Estt.(D), dated 16.01.2013 (Annexure A-9) wherein the central government has issued comprehensive instructions on compassionate appointment. He contended that in terms of these two OMs, the applicant becomes eligible for consideration for compassionate appointment and accordingly he has submitted a fresh Annexure A-7 application dated 08.01.2017 to the Respondents and that the said application has not yet been disposed of by the Respondents. Learned counsel for the applicant further submitted that the applicant will be satisfied at this stage if a time bound direction is issued to the Respondents to decide the application dated 08.01.2017 of the applicant.

6. Mr M.Brahma Reddy, learned Standing Counsel for Respondents' stated that he has no objection if such a direction is issued. He also stated that it is quite likely that the application might have already been disposed of by the Respondents.

7. Having regard to the submissions made, this OA is disposed of at the admission stage itself with a direction to the Respondents to decide Annexure A-7 application of the applicant within a period of three months from the date of receipt of a copy of this order by passing a reasoned and

speaking and order. In case of the application having been already decided, the decision taken shall be communicated to the applicant within two weeks.

8. No order as to costs.

(K.N.SHRIVASTAVA)
ADMINISTRATIVE MEMBER

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