

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

Original Application No. 20/24/2018

Date of Order: 06.03.2019

Between:

Bora Ramesh, S/o. Suryanarayana @ China Suri,
Aged about 22 years, Occ: Unemployee,
R/o. Door No. 530, Peedavedi, Patha Duppada Village,
Contonment (PO), Vizianagaram,
Vizianagaram District, Andhra Pradesh.

... Applicant

And

1. Union of India, Rep. by its Secretary,
Ministry of Railways, New Delhi.
2. The General Manager,
East Coast Railway, Bhubaneswar.
3. The Divisional Railway Manager (P),
East Coast Railway, Waltair.

... Respondents

Counsel for the Applicant	...	Mr. A. Jagan
Counsel for the Respondents	...	Mr. N. Srinivasa Rao, SC for Railway

CORAM:

<i>Hon'ble Mr. B.V. Sudhakar</i>	...	<i>Member (Admn.)</i>
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ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. The OA is filed for not granting compassionate appointment to the applicant.

3. Brief facts of the case are that the applicant's father namely Chinna Suri @ Suryanarayana while working for the respondent organization as Gangman passed away on 08.11.2014. Respondents after obtaining the requisite documents granted provisional pension and other benefits to the mother of the applicant on 27.02.2017. The mother of the applicant informed the respondents

that the applicant's father name though mentioned as Chinna Suri in the Railway records, he was also called by the name Suryanarayana and therefore, the names of Suryanarayana and Chinna Suri are one and the same. Indeed, accepting this contention, respondents released other pensionary benefits due. On making a request for compassionate appointment, respondents rejected the same on the ground that the name of the applicant's father in the Railway records is shown as Chinna Suri whereas in the educational certificates submitted by the applicant, it was indicated as Suryanarayana. Hence, the applicant was asked to get the name of his father changed in the educational certificates submitted by the applicant. Aggrieved over the same, applicant has filed the OA.

4. The contentions of the applicant are that his mother was granted pensionary benefits accepting the plea that the names of his father viz., Chinna Suri and Suryanarayana are one and the same. Applicant has submitted a Gazette notification dt. 23.02.2016 wherein it was published that the name of the applicant's father has to be considered as China Suri. Besides, MRO, Vizianagaram has issued a certificate stating that the names Bora China Suri and Bora Suryanarayana are one and the same. Death certificate issued by the Government of Andhra Pradesh indicates that Bora China Suri @ Suryanarayana. Government of Andhra Pradesh has issued a Governmental Order vide GO Ms.No. 1263, Edn. Department, dt. 06.05.1961 permitting correction of the name by publishing such changes in the gazette of Andhra Pradesh.

5. Respondents in the reply confirm that the applicant's father passed away on 08.11.2014. Settlement benefits were granted to the widow of the deceased

employee. On the request of the mother of the applicant to provide compassionate appointment to her son, the case was taken up and after due consideration it was found that the deceased employee's name in the railway records and the one indicated in the educational certificates of the applicant were different. The applicant's mother was informed to get the father's name corrected in the educational certificates viz., SSC, Inter and ITI vide their letter dt. 08.03.2017. Applicant has not submitted educational certificates with the change asked for and hence, his case for compassionate appointment could not be processed.

6. Heard learned counsel for both sides. Perused the documents and material papers submitted.

7. I. The facts of the case indicate that the mother of the applicant was granted pension and other terminal benefits after accepting the fact that the names China Suri and Suryanarayana are one and the same. When the mother of the applicant approached the respondents for compassionate appointment, they have again raised the objection that the name of the applicant's father in Railway records and the one shown in the educational certificates of the applicant were different. After having granted pension and pensionary benefits to the mother of the applicant conceding the fact that the names China Suri and Suryanarayana are one and the same, it is difficult to appreciate as to why the same could not be considered for examining the case of the applicant for compassionate appointment. Nevertheless, the applicant produced a certificate issued by the MRO, Vizianagaram dt. 20.07.2015 confirming that China Suri and Suryanarayana are one and the same. The death certificate issued by the

Government of Andhra Pradesh also supports this contention of the applicant that the names China Suri and Suryanarayana are the same. Government of Andhra Pradesh has issued a GO Ms.No. 1263, Edn. Dept, dated 06.05.1961 in regard to the rules for correction of entries relating to the name, surname, father's name, caste, religion, etc. in completed Secondary School certificates, Higher Secondary Certificates. GO states as under:

“2. The person affected may go however, arrange to notify at his or her own cost, any such change of name, father's name, castes or religion in the Andhra Pradesh Gazette and shall keep a copy of the notification in the concerned certificate.

3. No correction need, however, be made in the certificate or the school records as a result of the notification referred to in the rule 2 above.”

Thus, as can be seen from the document submitted by the applicant, the name China Suri and Suryanarayana are one and the same. Therefore, the respondents raising the objection that he should get his name changed in SSC, Intermediate and ITI certificates in order to be considered for compassionate appointment requires re-examination. GO Ms. No. 1263 clearly states that Gazette notification can be got issued in regard to correction of name and appending the same to the SSC certificate would suffice. Hence, in view of the documentary evidence submitted, the stand taken in the impugned letter of the respondents dt. 08.03.2017 requires reconsideration.

II. Keeping the above in view, respondents are directed to consider the case of the applicant for compassionate appointment, within 90 days from the date of receipt of copy of this order subject to the condition that in case the applicant is selected, he shall be allowed to join the respondents organization after submitting relevant changes sought for in the minimum education

qualification certificate prescribed for the post for which the applicant is selected. This order is accordingly issued in order to keep up the sanctity of the recruitment process of the respondents.

III. With the above direction, the OA is allowed. No order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 6th day of March, 2019

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