

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

Original Application No. 021/1231/2018

Date of Order: 19.12.2018

Between:

1. Smt. E. Mallamma, W/o. late E. Venkataiah,
Ex. Sr. Trackman, O/o. SSE/P.Way/SNF, S.C. Rly,
Aged 55 years, R/o. H. No. 2-3643/C/1/A,
Azad nagar, Premnagar, Amberpet, Hyderabad.
2. Sri E. Ramakrishna, S/o. late E. Venkataiah,
Ex. Trackman, O/o. SSE/P.Way/SNF, S.C. Rly,
Aged 31 years, R/o. H. No. 2-3643/C/1/A,
Azad nagar, Premnagar, Amberpet, Hyderabad.

...Applicant s

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1. The Secretary, Ministry of Railways,
Railway Board, Rail Bhawan, New Delhi.
2. The General Manager,
South Central Railway, Secunderabad.
3. The Chief Personnel Officer,
South Central Railway, 4th Floor,
Rail Nilayam, Secunderabad.
4. The Divisional Railway Manager,
South Central Railway, Secunderabad Division,
Sanchalan Bhavan, Secunderabad.

...Respondents

Counsel for the Applicants ... Mr. G. Pavan Murthy

Counsel for the Respondents ... Mrs.A.P. Lakshmi, SC for Rlys

CORAM:

Hon'ble Mr. B.V. Sudhakar ... Member (Admn.)

ORAL ORDER

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

The OA is filed for not considering the request of the applicants for compassionate appointment based on the order of the Hon'ble High Court for the

State of Telangana and the State of Andhra Pradesh in W.P. No. 32759/2016, 20619/2013, 24366/2015 & 29900/2015.

2. Brief facts of the case are that the 1st applicant's husband while serving the respondents organization expired on 05.01.2013 leaving behind the 1st applicant and two children. The deceased employee before appointment as Gangman in the respondent organization has married one Smt. Y. Kethamma in 1971 and had two children through her. However, due to differences, the marriage was dissolved on 08.07.1983. Thereafter, in 1983 the deceased employee married the 1st applicant. The respondents have also issued a service certificate (annexure A-4) which clearly shows that the 1st applicant is the widow of the deceased employee. PPO dt. 06.01.2014 was also issued to the 1st applicant. Other terminal benefits due to the deceased employee were also released to the 1st applicant. The respondents have also issued railway pass and PTOs to the deceased employee wherein the 1st applicant was shown as wife. In fact, after the demise of the employee, the 1st applicant was also issued a widow complimentary pass. After receiving the terminal benefits, the 1st applicant made a claim for compassionate recruitment to her son, who is the 2nd applicant in the OA. The respondents rejected the claim of the applicants stating that the children of the second wife cannot be considered for compassionate appointment vide letter dt. 17.01.2014. Aggrieved over the rejection of the 4th respondent, the applicant made a representation to the 2nd respondent, but there is no response. The first wife Smt. Kethamma has been re-married to one Sri Bal Reddy as her marriage with the deceased employee was dissolved. Even the son of Smt. Kethamma who was born through the wedlock with the deceased employee has given no objection for appointment of the second applicant under compassionate

grounds vide letter dt. 30.05.2013. The applicant has again appealed to the 2nd respondent on 07.04.2014 and 12.12.2017 and that she is awaiting the response. The 1st applicant having come to know that the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh has decided similar cases wherein the children of the second wife were granted appointment under compassionate grounds, once again represented to the 2nd respondent on 23.02.2018 requesting to consider the case of her son for compassionate appointment. Till date, there is no response from the respondents and therefore, the OA.

3. The contention of the 1st applicant is that she is illiterate and ignorant of the rules. In fact, the son of the first wife born out of wedlock with the deceased employee has also given no objection for appointment of the 2nd applicant under compassionate grounds. The applicant is a legitimate child of the deceased employee. Therefore, the question of second wife does not arise. In fact, treating her as legally wedded wife terminal benefits have been released to her in all respects. The 1st applicant has quoted series of judgments supporting her claim for providing compassionate appointment to the 2nd applicant.

4. Heard learned counsel for both sides and perused the documents on record.

5. Learned counsel for the applicants has pleaded that it would suffice if the 2nd respondent considers and disposes of the representations made on 12.12.2017 and 23.02.2018. Learned counsel for the respondents stated that she has no objection for such a direction being given to the respondents.

6. As per the records placed before the Tribunal, the respondents have released all the terminal benefits due to the 1st applicant. There is also no objection from the son of the first wife born through the deceased employee. Further, the applicant has referred to the judgments of the Hon'ble High court wherein relief has been provided to the children of the second wife. The applicant only pleads that the 2nd respondent need to dispose of her representations considering the judgments of the Hon'ble High Court. The request being fair and genuine, the respondents are directed to dispose of the representation of the applicant dated 12.12.2017 and 23.02.2018 within a period of two months from the date of receipt of this order by issuing a speaking and reasoned order.

7. Accordingly, the OA is disposed of at admission stage, with no order as to costs.

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

Dated, the 19th day of November, 2018

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