

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01415/2018

Dated Thursday the 10th day of January Two Thousand Nineteen

CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)

V.Amirthalingam,
Bharathi Street,
Achalpuram, Sirkali Taluk,
Nagappattinam District,
Pincode 609101.

....Applicant

By Advocate M/s. G. Palani

Vs

1.The General Manager,
Southern Railway,
Park Town, Chennai 600003.

2.The Divisional Railway Manager,
Southern Railway,
Trichirapalli Division,
Trichirapalli Jn 620001.

....Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following reliefs :

"1. That this Hon'ble Tribunal may kindly be pleased to call for all the relevant records pertaining to the compassionate grounds appointment of the applicant from the respondents and direct the respondents to consider the applicant's representation dated 12.05.2018 for providing compassionate grounds appointment against any of the Group D post with immediate effect and

2. To grant such other reliefs that this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice."

2. It is submitted that the applicant had sought compassionate appointment following the death of his father on 19.02.2009 due to an accident at the workshop. As the same was not granted, he filed OA 1320/2016 which was disposed of by an order of this Tribunal dt. 22.07.2016 directing the respondent authority to consider his representation within a period of two months from the date of receipt of a copy of the order and pass a speaking order thereon.

3. Annexure A3 communication dt. 12.01.2018 was received by the applicant's mother in pursuance of the above, informing her that the applicant was advised to report to their office on 18.01.2018 to attend to a medical examination and bring two black and white passport size photographs and all original certificates of educational qualification. Thereafter, the applicant did not receive any appointment letter, perhaps owing to the fact that he did not possess requisite qualification.

4. It is submitted that the applicant had studied upto 10th standard which should be considered sufficient qualification for some posts. Reliance is placed on RBE No. 51/2018 dt. 06.04.2018 wherein it is stated as follows:-

"2. The matter was under consideration of this Ministry for quite some time. It

has now been decided that in case of appointment of a widow/wife not having requisite minimum educational qualification, she will be placed in the Level -1 of the Pay Matrix introduced on implementation of 7th CPC report, without insisting on fulfillment of educational qualification norms, provided the appointing authority is satisfied that the duties of the post against which she is being appointed can be performed with the help of some on job training”.

It is submitted that the applicant had passed 10th std and as the minimum qualification for Group C is a pass in matriculation (SSLC), he could be appointed.

5. Learned counsel for the respondents would submit that the applicant appeared to possess a 10th std qualification which was sufficient for a Group D post. Accordingly, the respondents would consider his claim subject to medical fitness and pass appropriate orders.

6. Keeping in view the above submission and without going into the substantive merits of the case, the respondents are directed to consider the matter in the light of the order of this Tribunal in OA 1320/2016 dt. 22.07.2016 and the communication dt. 12.01.2018 addressed to the applicant's mother in pursuance thereof. Accordingly, if the applicant had produced the necessary certificates along with the two black & white passport photographs and presented himself for medical examination, he shall be communicated the result thereof through a reasoned and speaking order within a period of four weeks from the date of receipt of a copy of this order.

7. OA is disposed of at the admission stage.

(R. Ramanujam)
Member(A)
10.01.2019

SKSI