

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA 310/00256/2018 & OA/310/00500/2018

Dated Friday the 27th day of April Two Thousand Eighteen

PRESENT

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

R. Vijaya Sundar
No. 5, Srinivasa Nagar
Annai Indira Nagar
Thiruninravur 602 024.

....Applicant

By Advocate M/s. P.D. Raja Boj

Vs

1. The General Manager
Southern Railway
Head Quarters
Park Town, Chennai – 600 003.

2. Dy. Chief Personnel Officer/R&T
Head Quarters Office
Personnel Branch
Chennai – 600 003.

3. Work Shop Personnel Officer
Office of the Chief Workshop
Manager Loco Works
Ayanavaram, Chennai – 23.

....Respondents

By Advocate Mr. P. Srinivasan

ORAL ORDER

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

Heard. MA 256/2018 is filed to condone the delay of 2579 days in filing the OA 500/2018. Accepting the reasons stated in the affidavit MA is allowed.

2. The applicant had filed this OA seeking the following reliefs:

“To quash the 2nd respondent rejection letter No. PB/CS/30/Ex.Dn/2010/18 dated 02.01.2018 and direct the respondents to provide the employment to the applicant under the compassionate ground”

3. Learned counsel for the applicant submits that applicant's father, while working in Southern Railway died in harness on 15.04.2002 following which the applicant's brother was appointed to the post of Khalasi in LW/PER under the respondent department on 04.03.2005. However his brother also died on 01.12.2008 following which his mother applied for compassionate appointment for the applicant. The applicant was not considered despite several representations by the applicant's mother. By impugned order dated 02.01.2018 in response to her last representation dated 11.12.2017, it was informed that she had received all settlement dues and was in receipt of family pension after the death of her husband and she had no liability except for one son. Accordingly the General Manager did not consider it a fit case

for compassionate appointment. It was also informed that the decision was communicated to her by letter dated 25.03.2011 which the applicant alleges was never received by his mother. Aggrieved by the said communication the applicant has sought the aforesaid relief.

3. Mr. P. Srinivasan takes notice on behalf of the respondents.

4. On perusal, it is seen that the applicant's father died on 15.04.2002 and his elder brother on 01.12.2008. There is no evidence of the matter having been pursued by the family thereafter which is perhaps indicative of the fact that the family had sufficient means to survive without employment for over 9 years. Accordingly, there appears no ground for the Tribunal to interfere in the decision of the respondents except to state that the impugned order dated 02.01.2018 does not disclose fully the manner in which the financial condition of the family was assessed, number of posts filled under compassionate appointment and the level of financial distress assessed for the last selected candidate under compassionate appointment. Accordingly, I am of the view that the ends of justice would be met in this case if the respondents are directed to pass a detailed and speaking order in accordance with law on the representation of the applicant. Further, since under the latest DoPT instructions, cases once rejected could be taken up again in subsequent years and there is no time limit for consideration of such cases, the respondents may consider the matter

further as and when compassionate appointments are proposed to be made in respect of vacancies in subsequent years based on an objective assessment of financial condition of the applicant.

5. OA is disposed of accordingly at the admission stage.

(R. Ramanujam)
Member(A)
27.04.2018

AS