

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

O.A. No.021/00631/2018

Date of Order : 24.04.2019.

Between :

1. Smt.P.Kondamma, w/o late P.Rajaiah,
Ex.CF-II/PRLI, aged about 60 yrs,
r/o 3-9-230, Reddy Colony, Hanmakonda (v),
Warangal Dist-506 001.

2. Smt.P.Usha Rani, d/o late P.Rajaiah,
Ex.CF-II/PRLI, aged about 27 yrs,
r/o 3-9-230, Reddy Colony, Hanmakonda (v),
Warangal Dist-506 001.

...Applicant s

And

1. Union of India, rep., by its General Manager,
South Central Railway, Rail Nilayam, III Floor,
Secunderabad-500 071.

2. The Divisional Railway Manager (P) SC,
South Central Railway, Secunderabad, Guntakal.

... Respondents

Counsel for the Applicant ... Mr.K.Sudhaker Reddy

Counsel for the Respondents ... Mrs.Vijaya Sagi, SC for Rlys.

CORAM:

THE HON'BLE MR.V.AJAY KUMAR, MEMBER (JUDL.)

ORAL ORDER

(As per Hon'ble Mr.V.Ajay Kumar, Member (Judl.))

The first applicant and the 2nd applicant, who are claiming to be the wife and the daughter of one late Sri P.Rajaiah, who died in harness while working as CF-HS-II/PRLI on 30.08.1996, have filed the instant OA seeking the following reliefs:

“To declare the action of the respondents in not considering the 2nd applicant for compassionate appointment expeditiously by the railway authorities as clearly illegal, arbitrary and violation of the fundamental rights of the applicants guaranteed under Articles 14 and 16 of the Constitution of India; and

Consequently, direct the respondents to consider the case of the applicant on compassionate grounds forthwith and pass such other and further orders as this Tribunal may deem fit and proper in the circumstances of the case.”

2. Heard Mr.K.Sudhaker Reddy, learned counsel for the Applicants and Mrs.Vijaya Sagi, learned standing counsel for the Respondents, and perused the pleadings on record.

3. It is the submission of the learned counsel for the Applicants that the first applicant is the wife and the 2nd applicant is the first daughter of Sri P.Rajaiah. At the time of death of Sri P.Rajaiah, the 2nd applicant and her younger sister were minors and they have received all the terminal benefits

pertaining to the deceased employee from the respondent-Railways. However, when the 1st applicant made an application seeking compassionate appointment, the same was rejected, vide Annexure.R-III dated 06.09.2001 stating that "*As per Rules, appointment is not permissible to second wife and her wards*". Thereafter, after the 2nd applicant became major, the applicants started making representations seeking compassionate appointment to the 2nd applicant. Annexure.A-I dated 26.03.2017 and Annexure.A-II dated 26.08.2017 were some of those representations.

4. In short, it is the grievance of the applicants that their Annexure.A-I and A-II representations seeking compassionate appointment to the 2nd applicant i.e., to the major daughter of late Sri P.Rajaiah were not considered by the respondents and no order is passed thereon till date.

5. On the other hand, the learned counsel for the Respondents while opposing the OA on various grounds also denied the receipt of the Annexure.A-I and A-II representations from the applicant.

6. The learned counsel for the Respondents submits that once the respondents have not received any representation from the applicant, at any point of time, the question of passing any orders thereon does not arise.

7. In the circumstances, the OA is disposed of without going into the merits of the case by permitting the applicants to make a fresh representation ventilating their grievance by enclosing all the necessary documents to the respondents within two weeks from the date of receipt of a copy of this order, and on receipt of such a representation, the respondents shall consider the same and pass appropriate speaking and reasoned orders thereon in accordance with law and rules within 90 days therefrom. It is further made clear that this order shall not be construed that the applicants are exempted from any of the provisions of law including limitation etc. There shall be no order as to costs.

**(V.AJAY KUMAR)
MEMBER (JUDL.)**

Dated: this the 24th day of April, 2019
Dictated in the Open Court

DSN.