

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY  
&  
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No.27628 of 2017

Date : 28-08-2017

Between :

Gaddam Anandam

.. Petitioner

And

Union of India,  
Represented by its Secretary,  
Ministry of Railways, New Delhi  
and others

.. Respondents

Counsel for petitioner : Sri R. Sujan Kumar

Counsel for respondents : --



The Court made the following :

**ORDER:** (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

The applicant in O.A.No.021/474/2015 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short "the Tribunal") filed this Writ Petition feeling aggrieved by order dated 28-2-2017 dismissing the said O.A.

We have heard Sri P. Narsimhulu, learned Counsel for the petitioner and perused the record.

The petitioner claims to be the son of one Late Yellaiah (for short "the deceased employee") who worked as a Helper (Khalasi) in the organisation of the respondents. After the death of the deceased employee, the petitioner allegedly got two legal notices issued on 21-2-2013 and 30-11-2014 requesting the respondents not to pay the death-cum-retirement benefits and family pension to the other family members, including respondent No.5, without considering his request for compassionate appointment. Information collected by the petitioner under the provisions of the Right to Information Act 2005 revealed that respondent No.5 was appointed in the place of his father under the scheme of compassionate appointments. This action was assailed by the petitioner before the Tribunal mainly on the ground that the marriage between the deceased employee and the mother of respondent No.5 is not legal and that therefore providing compassionate appointment to respondent No.5 is illegal.

The Official respondents filed a counter affidavit before the Tribunal wherein they have inter alia averred that the deceased employee died on 30-7-2013 due to natural cause while working as a Khalasi under

the Section Engineer/Permanent way, Secunderabad, that as per the records, the deceased employee was survived by his wife Smt. Ilamma, one daughter and one son; that after the death of the deceased employee, the settlement dues were paid to the said Smt. Ilamma on the basis of the family details/records available with the administration; that during the processing of settlement dues, the petitioner has not raised any objection and that the entire dues were settled based on the family declaration given by the deceased employee while in service and certified by the Supervisor-in-charge. The Official respondents further averred that in the event of the death of a serving employee who is survived by his/her spouse, the latter is at liberty to seek employment to any dependent ward from the list of dependent wards given by the deceased employee within the time limit of five years; that in the instant case, Smt. Ilamma, the widow of the deceased employee has requested for appointing her son – respondent No.5 on compassionate grounds, that after receipt of the said application, the enquiry report of the Staff & Welfare Inspector confirmed that the family composition of the deceased employee was the same as declared by him while he was in service and that accordingly respondent No.5 was appointed as a Helper by office order dated 27-10-2014.

A perusal of the impugned order of the Tribunal shows that during the hearing of the O.A. before it, the Counsel for the petitioner has produced Memo dated 25-1-2017 issued by the Tahsildar, Raghunathapally Mandal, Jangaon District wherein it has been stated that the enquiry conducted by the Revenue Officer, Fatehshapur shows that the petitioner is the son of the first wife of the deceased employee. Based on

the said document, the Counsel for the petitioner has submitted before the Tribunal that his client is entitled to compassionate appointment. The Tribunal, having considered the pleadings, the documentary evidence and also the material on record, observed that the petitioner failed to produce any documentary evidence in support of his claim that he is the son of the deceased employee; that the petitioner did not substantiate his plea that he has sent legal notices dated 21-2-2013 and 13-11-2014 and also that the Official respondents have refused to receive the legal notice dated 21-2-2013. Taking into consideration these aspects, the Tribunal has dismissed the O.A.

It is not in dispute that the deceased employee has shown Smt. Ilamma and his two children, including respondent No.5, as the dependents, while he was in service. As per the stand taken by the Official respondents, the Staff & Welfare Inspector also reported that the family composition of the deceased employee as declared by him during his life time was correct. The petitioner failed to prove by producing any material to show that he has sent two legal notices to the Official respondents. Though the petitioner has produced Memo dated 25-1-2017 issued by the Tahsildar, Raghunathapally Mandal, showing that he is the son of the first wife of the deceased employee, the material on record shows that the Tahsildar has declined to issue revised Family Member Certificate by stating that that he has already issued the Family Member Certificate in the year 2013 showing the said Smt. Ilamma and her two children, including respondent No.5, as the legal heirs of the deceased employee. In the above facts and circumstances, we do not find any

reason to interfere with the well reasoned order of the Tribunal. The Writ Petition is accordingly dismissed.

As a sequel to the dismissal of the Writ Petition, WPMP No.34325 of 2017 is disposed of as infructuous.

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Justice C.V. Nagarjuna Reddy

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Justice Gudiseva Shyam Prasad

Date : 28-08-2017

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