

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 27 JAN 1995

APPLICATION NO: 1203 of 1994

APPLICANTS:- Sri. B.R. Rajashekar.

V/S.

RESPONDENTS:- The Chief Post Master General,
Kannataka Circle, Bangalore & Co. Office

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- ① Sri. G. S. Bhat,
Advocate, No. 117,
Seshadripuram Main Road
Near Palace Guttaballi Circle,
BANGALORE-560020
- ② The Senior Superintendent,
RMS, Bangalore Sorting Division,
BANGALORE-560026
- ③ Sri. M. Vasudera Rao,
Addl C.G.S.C.,
High Court Bldg,
BANGALORE-560001

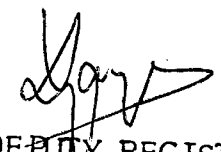
Subject:- Forwarding of copies of the Order- passed by the
Central Administrative Tribunal, Bangalore.

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Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER~~ passed by this Tribunal in the above
mentioned application(s) on 17-01-95

Issued on
27/01/95

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DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.1203/1994

TUESDAY THIS THE SEVENTEENTH DAY OF JANUARY, 1995

MR. JUSTICE P.K. SHYAMSUNDAR VICE CHAIRMAN
MR. T.V. RAMANAN MEMBER(A)

Shri B.R. Rajashekar,
No.223(40), I Main,
V Cross, III Phase,
Manjunathanagar,
Rajajinagar,
Bangalore - 560010 Applicant

(By Advocate Shri G.S. Bhat)

v.

1. The Chief Post Master General,
Karnataka Circle,
Bangalore-560001
2. The Sr. Supdt.,
RMS Bangalore Sorting Division,
Bangalore - 560026 Respondents

(By learned Standing Counsel)
Shri M.V. Rao

ORDER

MR. T.V. RAMANAN, MEMBER(A)

Admit.

2. Heard the learned counsel for the applicant and the learned Standing Counsel appearing on behalf of the respondents.
3. The father of the applicant, who was working as a Head Mailman in the Bangalore Sorting Division of the Department of Posts had died on 6.12.86 while in service. The applicant, one of his sons, applied to the Department for



compassionate appointment in January, 1987. The request made by the applicant was considered by the Department through a Committee but the Committee did not recommend the case of the applicant for appointment to a post on compassionate grounds. This was communicated to the applicant by the Department through its registered letter dated 21.6.87 (Annexure 'A'). Instead of approaching this Tribunal soon thereafter in 1987 or even in 1988, the applicant appears to have approached the Postal Union of Employees and others to pursue his aim of securing employment with the Department but in vain. It is seen from the records that it was only much later, i.e. in May, 1994, the applicant approached the Chief Post Master General, Sorting Division, Bangalore through his Advocate and even that resulted only in his Advocate being intimated that the applicant's case for appointment on compassionate grounds having been considered and rejected by the Committee concerned in 1987 itself as one of his family members was gainfully employed, his case for employment could not be considered. Apparently, the member of the family referred to in the reply sent by the Chief Post Master General, Bangalore to the applicant's Advocate refers to one Shri B.R. Venkatesh who is said to be brother of the applicant.

4. The contention of the learned counsel for the applicant is that employment to his brother cannot be the ground for rejection of the applicant's request for compassionate appointment because

Shri B.R. Venkatesh, the brother of the applicant, had been appointed as ED Agent long before the death of the father of the applicant i.e. appointment as ED Agent was given to Shri B.R. Venkatesh as early as August, 1983, and later in 1989 Shri B.R. Venkatesh along with many others was appointed to Group 'D' cadre in the Department of Posts on promotion from the ED Agents category. He also avers that soon after his appointment in 1983, Shri B.R. Venkatesh had left the family and started living separately and, as such, any post held by Shri B.R. Venkatesh in the Department was of no benefit to the family consequent upon the demise of the father of the applicant, in the sense that financially he was of no help to the family left behind by the applicant's father.

5. Learned counsel also avers that the applicant over the years has been running from pillar to post in order to secure a job in the Department of Posts but he was not successful at all. He is about 34 years of age and still jobless.

6. Learned Additional Central Government Standing Counsel appearing for the respondents argues that the application is struck by limitation in the sense that when the request of the applicant for compassionate appointment had been rejected by the Department of Posts as long back as August, 1987, the applicant should not have failed to seek remedy before the proper forum which happens to be this Tribunal; instead of doing so, he allegedly approached the Union of Employees as also some other



higher ups but all these would not do away with the lapse on the part of the applicant in not seeking redress before this Tribunal in time taking into account the period of limitation prescribed in the Administrative Tribunals Act, 1985.

7. We entirely agree with the learned Additional Central Government Standing Counsel appearing for the respondents. The applicant's request stood rejected as long back as August, 1987, and any kind of explaining away the delay for the late coming to this Tribunal cannot be justified. The applicant has taken more than 7 years to approach this Tribunal. In fact the very purpose of providing compassionate appointment to the dependant of a deceased government employee is to provide immediate succour to the family which may otherwise be in financial distress. Seven years having passed and the applicant and his family having survived over the years, there can be no justification to consider the case of the applicant for compassionate appointment at this stage. We are, therefore, of the view that this application, which suffers from laches and delay, deserves rejection. This application is accordingly dismissed with no order as to costs.

8. However, as submitted by the learned counsel for the applicant, it appears that the applicant, perhaps without understanding the implications of his not approaching this Tribunal

in time, has been running about to secure employment with the Department of Posts over the years. He is about 34 years of age as stated by the learned counsel for the applicant. If that is so and taking into account that he is the son of a former employee of the Department of Posts who had died while in office, in the event of the applicant making an application for a post in response to a notification issued by the Department or if the Employment Exchange concerned were to recommend his name for consideration for the post of any ED Agent's post in response to a requisition made by the concerned authority of the Department of Posts, his case may be sympathetically considered subject to his fulfilling all requirements as may be needed to be employed as an ED Agent.

9. A copy of this order may be sent to R-2 for information and any action deemed fit. No costs.



Sd/-
MEMBER (A)

TRUE COPY

Sd/-
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

Sd/-
VICE CHAIRMAN