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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
ATHYDERABAD

O.A.NO. 127 of 1989

Date of Order: 06/08/1990

Between:

1. K.G.Kannaiah
2. K.K.Prabhakar

..Applicants

and

1. The Telecom District Engineer,
Anantapur.
2. The Chief General Manager,
Telecommunications, A.P.Hyderabad.
3. The Director-General, Telecom,
(representing Union of India),
New Delhi.

..Respondents

... . .

For Applicants: Mr.C.Suryanarayana, Advocate

For Respondents: Mr.N.Bhaskar Rao, Addl.CGSC

...

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI D.SURYA RAO: MEMBER(JUDICIAL)

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(Judgment of the bench delivered by Shri B.N.Jayasimha,
Vice Chairman)

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1. The applicant herein ~~is a retired Batterymen~~ of Telephone Exchange. He states that while in service he submitted a representation on 1-9-1986 to the 1st respondent requesting that he may be sent to the Civil Surgeon, Government Hospital for medical examination in view of his physical incapacity to continue in service. In the same letter he requested ~~for~~ ^{that} the benefit of the Government orders dated 25-11-1978 and 18-3-1982 may be

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extended to his case by granting compassionate appointment to his second son viz., K.K.Prabhakar, the 2nd applicant herein. The 1st respondent referred the applicant to the Superintendent, Government Headquarters, Anantapur for examining him. The Superintendent reported that the 1st applicant is permanently incapacitated for further service in the Department. Based on this report, the 1st respondent passed the order dated 27-1-1987 under the provisions of Rule 38 of the Pension Rules retiring the 1st applicant with effect from 2-2-1987. No orders were passed in regard to the plea of the applicant that his 2nd son i.e. the applicant no.2 herein should be appointed on compassionate grounds. The applicant submitted further representation dated 5-3-1987 stating that as he is required to use medicines as a regular measure, he was in financial difficulties and requested that his second son be offered compassionate appointment. The 1st respondent by his letter dated 8-9-1987 asked the applicant no.1 to obtain a police report on the whereabouts of his first son Sri K.K.Anantharam. The applicant no.1 replied that his first son deserted his parental home in 1982 and that his whereabouts are not known inspite of his best efforts. He also submitted a certificate from the Sarpanch and Member of Panchayat who certified as to the disappearance of the 1st son. Respondent no.1 gave a reply on 8-3-1988 stating that his request for compassionate appointment of his 2nd son has been rejected by the 2nd respondent. The applicant thereafter submitted a petition on 2-4-1983 reiterating his request and also cited instances wherein the benefits were given to other similarly placed persons for eg Shri A.S.Balaraman. No reply has been given. Subsequently, on repeated reminders he was informed by

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letter dated 24-12-1988 that his request for compassionate appointment of his 2nd son was rejected by the Directorate's Selection Committee. The applicant no.1 pleads that his medical condition requires heavy expenditure and it is not possible for him to live on the meagre pension. He has therefore filed this application for a direction to the respondents to appoint his 2nd son i.e. the 2nd applicant herein as a Telecom Operator or Telecom Assistant on compassionate grounds.

2. The respondents in their counter say that the case of the applicant no.1 for employment of his 2nd son was placed before the Selection Committee. The Committee after careful consideration rejected ~~ef~~ the request of the applicant. The applicant's continuance in service was not advisable in view of his heart disease. The Government of India's instructions referred to by the applicant do not confer any right on the first applicant for claiming appointment of his son i.e., second applicant. The benefit contained in the said instructions can only be extended in deserving cases. The Selection Committee considered the case of the applicant no.1 and asked him to obtain and submit a report from police regarding whereabouts of his first son. Instead of submitting police report, the applicant submitted a certificate from the Sarpanch of the village. The applicant's case was again placed before the Circle Selection Committee which rejected the same reiterating that the applicant has failed to produce a police report about the missing of his first son. The Committee has therefore rightly rejected the request. In so far as the claim of

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the applicant that one Mr.Balaraman's 2nd son was appointed, it is stated that every case has to be decided on its merits and no uniform procedure can be adopted. Respondents contend that the application has to be dismissed.

3. We have heard Shri C.Suryanarayana, learned counsel for the applicant and Shri N.Bhaskar Rao, Addl.Central Government Standing Counsel.

4. Shri Bhaskar Rao has placed the relevant records before us. It is clear from the facts narrated above, the only reason on which the applicant's case was not considered by the respondents is that the whereabouts of the 1st son of the applicant no.1 are not known and the applicant had not complied with the direction of the Department that he should make a police complaint in regard to missing of his first son. The records produced however show that the Circle Selection Committee which met on 9-2-1988 rejected the request of the applicant on the ground that the family is not in indigent circumstances. Records do not show the basis for arriving at this conclusion. It is also contrary to what is stated in the counter. In the circumstances, we direct the respondents/ Committee to reconsider the case of the applicant no.1 for appointment of his second son i.e. applicant no.2 applying the same criteria as in the cases referred to by the applicants and dispose of the request within a period of two months from the date of receipt of this order. Applicant no.2 shall be offered appointment if

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the Selection Committee finds that he is eligible for such appointment.

5. In the result, the application is disposed of with the above directions. No order as to costs.

B.N.Jayashimha
(B.N.JAYASIMHA)
VICE CHAIRMAN

D.Surya Rao
(D.SURYA RAO)
MEMBER (J)

(Dictated in Open Court)

Dated: August 6, 1990

D.S.Rao
Deputy Registrar (Jud)

SQH*

To

1. The Telecom District Engineer, Ananthapur.
2. The Chief General Manager, Telecommunications, A.P., Hyderabad.
3. The Director-general, Telecom, (rep. Union of India) New Delhi.
4. One copy to Mr.C.Suryanarayana, Advocate, ~~House No. 1-2-593/5 & 5A Nilayam
Sai Sai Mangi, Gagan Vihar Hyderabad~~.
5. One copy to Mr. N.Baskara Rao, Addl.CGSC.CAT.Hyd. Bench.
6. One spare copy.

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CHECKED BY

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B.N.JAYASIMHA : V.C.

AND

THE HON'BLE MR. D.SURYA RAO: MEMBER(J)

AND

THE HON'BLE MR. J.NARASIMHA MURTY: M(J)

AND

THE HON'BLE MR. R.BALASUBRAMANIAN: M(A)

DATE: 6/8/90

ORDER/JUDGMENT:

T.A./ R.A/ CCA/ No.

in.

T.A. No:

W.P. No.

O.A. No. 127/89

Admitted and Interim directions issued
Allowed.

Dismissed for Default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

