

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD

O.A./ NO. 465 OF 1989

Md. A. S. Qadri Applicant(s)

Counsel for Applicant(s)

Versus

Respondent(s)

Counsel for Respondent(s)

Date Orders

15/6/89. Admit. Notices to respondents deliverable in six weeks.

Notice
16/6

W
(D.S.A)

Y
(AKC)

Before the Registrar :- Counsel of both sides absent. Time extended
1st time : 27-7-1989: till 03-08-1989 for counter.

W
REGISTRAR

2nd Time : 03-09-1989: Counsel of both sides absent. Time extended
till 10-09-1989 for Counter.

W
REGISTRAR

3rd Time: 10-09-1989:- Counsel of both sides absent. Counter not filed
Post the matter before Court for orders.

W
REGISTRAR

P.T.O.

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH: HYDERABAD

D.A. NO. h65/89

T.A. NO.

DATE OF DECISION 16/11/89

Petitioner

Advocate for the
Petitioner (s)

Versus

Respondent

Advocate for the
Respondent (s)

CORAM

The Hon'ble Mr. D. Surendra - Member (J)

The Hon'ble Mr. D. K. Chakravorty, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not? No
3. whether their Lordship, wish to see the fair copy of the Judgment?
4. whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice-Chairman on columns 1,2,4, (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

D
(DSR)

D
(DKC)

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.NO.465/1989 ✓

Date of the order: 16-11-1989. ✓

Between

Md. Abdul Quader ✓

... APPLICANT ✓

Vs.

The Inspector General (Mint Master),
India Government Mint, Saifabad,
Hyderabad.

... RESPONDENT

Appearance:

For the applicant : Mr.Md.Yousufuddin, Advocate ✓

For the respondent : Mr.E.Madan Mohan Rao, Addl.CGSC. ✓

CORAM:

The Hon'ble Mr.D.Surya Rao, Member (Judicial) ✓

The Hon'ble Mr.D.K.Chakravorty, Member (Admn.) ✓

(JUDGMENT OF THE BENCH DELIVERED BY THE HON'BLE MR.D.SURYA RAO,
MEMBER (JUDL.).

The applicant herein is son of one late Mr.M.A.Waheed, an employee of the India Government Mint, Hyderabad who died on 29-6-1979. It is alleged that the deceased left behind two wives and the applicant is the son of the second wife. After the death of Mr.Waheed, the first wife refused to accept the validity of the marriage of the second wife or the claim of the second wife and her children that they are legal heirs of the deceased. The applicant applied for an appointment in the India Government Mint, Hyderabad on compassionate grounds. He was called for an interview but

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later told that since the first wife had refused to recognise the second wife and her children as the legal heirs of the deceased, the appointment could not be given to him. Thereupon the second wife, that is the applicant's mother, has filed a suit in the City Civil Court and obtained a declaration in O.S.No.1755/81 that she was the legally wedded wife of the deceased M.A.Waheed and the applicant and his sister Mahboob Begum are the children of the deceased. In the suit, apart from the declaration they were held to be entitled to the benefits of Insurance amount, Provident Fund and other pensionary benefits due to the legal heirs of the deceased. The applicant submits that after obtaining the declaration on 8-7-1988, he filed another application on 21-10-1988 to the Respondent praying for an appointment. No reply was given to him thereafter. The applicant has, therefore, filed this O.A. to direct the Respondent to appoint the applicant in the place of his father who died in harness. He claims such ^{an} appointment with retrospective effect.

2. No counter has been filed by the Department in the Application. However, we have heard Shri Md.Yousufuddin, the learned counsel for the applicant and Shri E.Madan Mohan Rao, the learned Addl. Standing Counsel for the Central Government, on behalf of the Respondent.

3. The question of right to compassionate appointment ^{of a} _{for} son/daughter/near relative of ^a deceased Government servant is governed by the Government of India, Department of Personnel & Training, O.M.No.14014/6/86-Estt. (D) dated 30-6-1987. These instructions permit making of compassionate appointment where a Government servant ^{who} _{died} in harness has

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left behind a family in immediate need of assistance when there is no other earning member in the family. These rules provide for relaxation of age where necessary and also for considering belated requests for compassionate appointment. Thus, it is clear that the applicant is entitled to consideration for appointment by the Department if the factors mentioned in the Government of India, Department of personnel & Training O.M. dated 30-6-1987 are satisfied. The Department is, therefore, directed to consider the case of the applicant, in terms of the instructions contained in the Government of India, Department of personnel & Training O.M. dated 30-6-1987, and if the Department considers that this is a fit case wherein a compassionate appointment has to be made such appointment may be given to the applicant.

With these directions the O.A. is disposed of. However, there will be no order as to costs.

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

Dechuri
(D.K.CHAKRAVORTY)
MEMBER (A)

Dated: 16th November, 1989
Dictated in open court.

S. Venkateswara
DEPUTY REGISTRAR. *WVY*

TO:

1. The Inspector General (Mint Master), Indian Government Mint, Saifabad, Hyderabad.
2. One copy to Mr. Md. Yousufuddin, Advocate, 17-7-199/1, Near Rly. Station Dabeerpura, police colony Road, Hyderabad-500 023.
3. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC, CAT, Hyd.
4. One copy to Hon'ble Mr. D.K. Chakravorty: Member: (A), CAT, Hyd.
5. One spare copy.

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