

47

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : : HYDERABAD BENCH
AT HYDERABAD

OA.507/89

Date of decision : 13-8-92

B.G. Sharma : Applicant

versus

1. The Secretary
Min. of Defence
New Delhi

2. The Chief of Naval Staff
NHQ, New Delhi

3. The Flag Officer Commanding-in-Chief
HQ, ENC, Visakhapatnam

4. The General Manager
Formerly Naval Armament Supply Officer
Naval Armament Depot
Visakhapatnam : Respondents

Counsel for the applicant : P.S.N. Murthy, Advocate

Counsel for the Respondents : N.V. Ramana, Standing Counsel
for Central Government

CORAM :

HON. Mr. T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

(Order of the Single Member Bench delivered by
Hon. Mr. T. Chandrasekhara Reddy, Member(Judl.)

This is an application filed by the applicant herein under Section 19 of the Administrative Tribunals Act, to direct the respondents to provide employment assistance to the son of the applicant, ~~who is~~ one BV Venkata Rao.

2. The facts giving rise to this OA in brief may be stated as follows :-

The applicant herein, ~~B. Gangadhara Sharma~~ was an employee of Naval Armament Depot, Visakhapatnam. He retired from service on 12-6-1985 on medical invalidation grounds. At

T - C - T

u8

the time of the retirement of Sri B.G. Sharma, on medical invalidation grounds, he was aged 52 years 9 months and 15 days. The said B.G. Sharma, the applicant herein has his wife and two sons B.V. Venkata Rao and B.V. Kanakeswara Rao, who are all alive. His two sons B.V. Venkata Rao and B.V. Kanakeswara Rao are married and they are having their own families. The applicant herein had put a representation to appoint his son ^{second} B.V. Venkata Rao on compassionate grounds in a suitable post. The Ministry of Defence considered the said representation and rejected the same in the month of April, 1986. In respect of the another representation dated 10-3-1986 from the applicant, the applicant ~~was~~ informed by the Naval Headquarters again on 2-6-1986 that the decision in rejecting assistance by means of appointment on compassionate grounds was conveyed to the applicant by careful consideration of the Ministry of Defence and that it was not possible to re-open the said issue, ie, the issue with regard to appointment of the said B.V. Venkata Rao, son of the said applicant, on compassionate grounds. Vara Lakshmi, wife of the applicant ~~seems~~ to have approached the Prime Minister of India, the President of India and the Members of Parliament of the Lok Sabha and the Rajya Sabha for providing employment on compassionate grounds to the said Venkata Rao, who is the son of the applicant herein. After having failed in all attempts to secure an appointment on compassionate grounds to his son, the applicant has filed the present OA before this Tribunal on 3-7-1989 for the relief as already indicated above.

3. Counter is filed by the respondents opposing this OA. ~~1~~

This OA was listed for hearing on 3-8-1992. None were present on behalf of the applicant and Mr. N.V. Ramana, Standing Counsel for the respondents was present. As none were present and no representation was there on behalf of the applicants on 3-8-92 we ordered this OA to be listed on 12-8-1992 for rejection.

T - C. n

4. On 12-8-1992 also none were present on behalf of the applicant and there was no representation on behalf of the applicant. Mr. V. Rajeswara Rao, for Mr. N.V. Ramana, Standing counsel for the respondents was present and he reported ready and we heard in part Mr. V. Rajeswara Rao for Mr. N.V. Ramana, and the case was adjourned to today for continuation of hearing. Now the time is 3.20 p.m. We have heard Mr. V. Rajeswara Rao for Mr. N.V. Ramana, in full. None have turned up till now today also on behalf of the applicant. There is also no representation on behalf of the applicant. It is quite evident that the applicant is not at all interested in the prosecution of this OA. We have gone through the material that is placed before us in this OA ~~and after perusal~~ and after hearing Mr. V. Rajeswara Rao for Mr. N.V. Ramana, Standing Counsel for the respondents, we proceed to dispose of this OA on merits.

5. When the Department is satisfied that the condition of the family is in indigent and is in great distress, the benefit of compassionate appointment may be extended to the Government servant, retired on medical grounds. It is needless to point out that in exceptional cases, son, daughter or near relative of the Government servant who retired on medical grounds can be provided on compassionate grounds. It is only when the Department deems fit in the context of the impecunious situation of the family that relaxation of age limit is allowed and after taking into consideration the other aspects that compassionate appointment is to be provided by the department. These are all matters on which the Department has to bestow its attention and arrive at a decision.

6. As could be seen from the counter filed by the respondents and which fact is also not in dispute, towards ~~retirement~~ ^{the applicant has} benefits the said B.G. Sharma had received a sum of Rs.20,000. It is also not in dispute that the applicant, B.G. Sharma ~~is~~

T - C. n

308X

also receiving a sum of Rs.424/- p.m. towards his pension. As already pointed out, while narrating the facts giving rise to this OA, the applicant has two married sons. From Annexure-R2 appended to the counter of this OA, is a certificate issued by Mandal Revenue Office, Visakhapatnam, it becomes amply evident that the said B.V. Venkata Rao, for whom the applicant seeks an appointment on compassionate grounds and B.V. Kanakeswara Rao are earning members. The said B.V. Venkata Rao is said to be working on daily wages and earning Rs.10/- per day whereas the second son B.V. Kanakeswara Rao is earning by way of tuitions Rs.200/- per month. While accepting the fact that both the sons of the applicant are earning members, it would be absurd to say that Venkata Rao is earning only Rs.10/- per day on daily wages in a town like Visakhapatnam. It is unbelievable that the second son Kanakeswara Rao is earning only Rs.200/- per month. As a matter of fact, the earning should be much more than pointed out in the said certificate of the MRO. Before making any appointment on compassionate grounds, the competent authority as already pointed out has to satisfy itself that the grant of this concession is justified. As both the sons of the applicant are earning members, they should be a source of support to the applicant herein and to his wife also. As we are satisfied that both the sons are earning members of the family, we do not think that the respondents are in no way obliged to provide compassionate appointment to the said Venkata Rao, son of the applicant herein.

7. The fact that is a serious limitation in regard to appointment on compassionate grounds cannot be disputed. Appointment on compassionate grounds cannot exceed 14.5% in Group-C and 4.5% in Group-D posts against regular vacancies arising in a calendar year. This puts much constraint on the Department in providing appointment in cases of retirement on medical

T - R. n - C

10/28/2023

invalidation grounds. As already pointed out, it is only in exceptional cases, appointment on compassionate grounds can be provided with regard to cases of retirement on medical invalidation grounds. In view of the fact that both the sons are earning members and the applicant is receiving a pension of Rs.424/- p.m. and the applicant has also received a sum of Rs.20,000 towards his retirement benefits, it cannot be said that the Circle Selection Committee, which has considered the case of the said Venkata Rao, son of the applicant for appointment on compassionate grounds has come to ~~an opinion~~ that is arbitrary or the opinion of the Circle Selection Committee based on the said grounds is invalid. It is not open for this Tribunal to substitute its opinion for the opinion of the Circle Selection Committee while Circle Selection Committee seems to have acted in fair and reasonable manner. So we do not see any valid grounds to interfere in this case. Hence, the applicant is not entitled to the relief as prayed for by him. Hence, the OA is dismissed and is accordingly dismissed leaving both the parties to bear their own costs.


 (T. CHANDRASEKHARA REDDY)
 Member (Judl.)

Dated : 13th Aug, 92
 Dictated in the Open Court

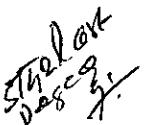

 Dy. Registrar (Judl.)

sk

Copy to:-

1. The Secretary, Ministry of Defence, New Delhi.
2. The Chief of Naval Staff NHQ, New Delhi.
3. The Flag Officer Commanding-in-Chief, HQ, ENC, Visakhapatnam.
4. The General Manager Formerly Naval Armanent Supply Officer Naval Armament Depot, Visakhapatnam.
5. One copy to Sri. P.S.N.Murthy, advocate, 58-1-197 Rajashree Nilayam, Butchirajupalem, Visakhapatnam-27.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One spare copy.

Rsm/-


 The Clerk
 P. S. G. J.

26/9/92 O.A. 507/79

TYPED BY COMPARED BY

CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 13/8/1992

ORDER / JUDGMENT

R.A./C.A./M.A. No

in-

507/89

O.A. No.

(W.P.Np)

T.A. No.

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

Central Administrative Tribunal

DESPATCH

Dismissed as withdrawn

14 SEP 1992

Dismissed for default

M.A. Ordered / Rejected

HYDERABAD BENCH

No orders as to costs.

pvm.

3/2/92
J:9