

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.973/89.

Date of Judgment 9.8.1991.

Shaik Abdul Rahim

.. Applicant

Vs.

1. The Chief Postmaster-
General, A.P.Circle,
Hyderabad-1.

2. The Sr. Supdt. of
Post Offices,
Guntur Division,
Guntur.

.. Respondents

Counsel for the Applicant : Shri K.Sudhakar Reddy

Counsel for the Respondents : Shri N.Bhaskara Rao,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn)]

This application has been filed by Shri Shaik Abdul Rahim
under section 19 of the Administrative Tribunals Act, 1985
against the Chief Postmaster-General, A.P.Circle, Hyderabad-1
and another.

2. The applicant is the son of the late Shri Shaik Moulali
who was employed in the Postal Department. Shri Shaik Moulali
died on 28.9.87 and the applicant sought a job on compassionate
grounds. The respondents rejected the request of the applicant
vide their order dated 7.11.89 stating that his case for
appointment on compassionate grounds was carefully considered
and rejected by the Directorate in their letter dated 5.10.89

The applicant is aggrieved that reasons for rejection had not been given. He had cited a decision of the Hon'ble Supreme Court which states that the purpose of providing appointment on compassionate grounds is to mitigate the hardship ^{to the family due to sudden death} of the bread earner in the family. The applicant prays that the respondents be directed to provide him a job on compassionate grounds.

3. The application is opposed by the respondents. They have very limited vacancies in the quota for compassionate appointments and they have a large number of requests. Hence they have to regulate it according to the instructions of the Dept. of Personnel on the subject. They considered his case and found that the family is not in indigent circumstances compared to others. The applicant's mother i.e., the widow ^{owns} has a house in which all the members of the family reside and the widow was paid the following terminal benefits on the death of her husband.

Monthly pension.	Rs.575/- plus relief.
DCRG.	Rs.37,850/-
GPF.	Rs.730/-
PLI.	Rs.1665/-
CGEIS.	Rs.21,320/-
DRF.	Rs.10,000/-

It is also stated that her first son is an E.D. Agent in a Post Office, the second son is working in a Cinema Hall owning a petty shop and the third son is a Mazdoor in the Telecommunications Department. They all live in the same house and supplement the income for the other non-earning members in the family. Since more than two sons were already earning they made a reference to the Postal Directorate under the instructions and the case was rejected.

To

1. The Chief Post master General,
A.P.Circle,
Hyderabad-1.
2. The Sr. Supdt. of post Offices,
Guntur Division,
Guntur.
3. One copy to Sri K.Sudhakar Reddy, Advocate C.A.T.Hyd-bad.
4. One copy to Sri N.Bhaskara Roa, Advocate, Addl. CGSC
C.A.T., Hyderabad.
5. Hon'ble Mr.J.Narashima Murthy, Member(J), C.A.T.Hyd.
6. One spare copy.

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13/8/51.

4. We have examined the case and heard the learned counsel for the applicant and the respondents. The learned counsel for the applicant cited a recent decision of the New Delhi Bench of this Tribunal in their O.A.No.2485/89 reported in AISLJ 1990(3)(CAT) 403. In that judgment a reference has been made to the Dept. of Personnel & Training O.M. dated 30.6.87. That memo states that compassionate appointments can be given to a son or daughter, or near relative of the deceased Govt. servant "leaving his family in immediate need of assistance, when there is no other earning member in the family." The New Delhi Bench of this Tribunal then went about examining whether there was any other earning member in the family. That case is not applicable to the case before us because all the earning members in the family continue to be under one roof only. Even if there is no other earning member in the case before us the family is in a relatively comfortable situation financially. The capacity of the respondents to accommodate even more deserving cases is very limited. The family of the applicant is in a relatively comfortable situation. We are, therefore, not inclined to interfere in this case and dismiss the application with no order as to costs.

MS
(J.Narasimha Murthy)
Member(Judl).

R.B. Balasubramanian
(R.Balasubramanian)
Member(Admn).

9th August 91
Dated

813/8/91
Registrar.

20/8/91

(u)

ASR
(3/8/91)

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CHECKED BY
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

COMPARED BY
APPROVED BY

THE HON'BLE MR

V.C.

AND

THE HON'BLE MR.

M(J)

AND

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

AND

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

DATED: 9-8-1991

ORDER/JUDGMENT

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

in

O.A. No.

973/88

T.A. No.

(W.P. No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction

10 AUG 1991

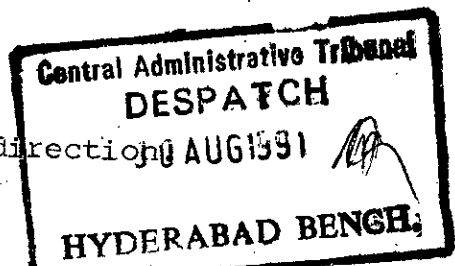
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.



ASR
(3/8/91)