

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

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AT HYDERABAD

ORIGINAL APPLICATION NO.139/90

DATE OF JUDGEMENT: 14 FEBRUARY, 1992

BETWEEN

Sri K. Venkata Ramana Reddy .. Applicant

AND

Union of India represented by

1. The Director General
Department of Posts
New Delhi
2. The Chief Post Master General
Hyderabad
3. The Director of Postal Services
Kurnool
4. The Superintendent, R.M.S.
Tirupathi Division
Tirupathi .. Respondents

Counsel for the Applicant :: Sri K.S.R. Anjaneyulu

Counsel for the respondents :: Sri N. Bhaskara Rao,
Addl. CGSC

CORAM:

THE HONORABLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

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JUDGEMENT OF THE ~~MEMBER~~ BENCH DELIVERED BY THE
HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This is an application filed under Section 19 of the Administrative Tribunals Act, 1985, by the applicant herein to consider the claim of the applicant for appointment as Postal/Sorting Assistant in Postal Department on compassionate grounds to mitigate hardship to the family.

The facts giving rise to this application in brief may be stated as follows:

1. The name of the applicant, herein, ~~xxx~~ is Sri K. Venkata Ramana Reddy. The father of the applicant is Sri K.Krishna Reddy. The said Sri K.Krishna Reddy - father of the applicant herein, joined the Postal Department as Sorter on 1.7.1950. He retired on 30.6.1985 on medical grounds. At the time of the retirement, the said Sri Krishna Reddy - the father of the applicant herein was working as L.S.G.S.A. (Lower Selection Grade Sorting Assistant). It is the case of the applicant that his father had a heart stroke in the year 1979 and that the father of the applicant was examined on 15.5.1985 by the D.M.O. Chittoor, who recommended that the need for retirement of the father of the applicant was immediate and due to his ill-health, the father of the applicant retired on 30.6.85. After retirement, the father of the applicant Sri Krishna Reddy, made his first representation to the Director of Postal Services, AP Southern Region, Kurnool on 24.7.1985 for appointment of his son - the applicant herein- on compassionate grounds in relaxation of normal recruitment rules.

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But the father of the applicant Sri Krishna Reddy was informed by the Office of the Postmaster General AP Circle, Hyderabad, vide its proceedings dated 30.6.1986, that the case of appointing the son of Sri Krishna Reddy, on compassionate grounds was not approved by the Circle Level Committee, as the applicant therein - Sri Krishna Reddy retired from services after completion of 55 years of age.

2. Again the applicant's father Sri Krishna Reddy submitted ~~another~~ another representation dated 4.3.1987 (Annexure 6 to the OA) to consider the appointment of his son - the applicant herein - on compassionate grounds. This representation was also rejected and the same was communicated to the father of the applicant herein ~~Sri Krishna Reddy~~ Sri Krishna Reddy by the concerned officials on 11.4.1989 (Annexure 7 to the OA). Hence, the applicant Sri K. Venkata Ramana Reddy, has filed the present application to declare the order of the Director General of Posts, New Delhi, dated 21.3.1989 which was communicated to the father of the applicant by the Superintendent, RMS, Tirupathi Division, as per his proceedings dated 11.4.1989 is arbitrary and for the reliefs already indicated above.

3. Counter is filed by the respondents opposing the OA

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4. It is the case of the respondents that the criterion of indigent circumstances is not fulfilled in this case and so the applicant is not entitled to be appointed on compassionate grounds. It is needless to point out that in exceptional cases only the Department is satisfied that the condition of the family is indigent and is in distress, the benefit of the compassionate appointment may be extended to the son/daughter/near relatives of the Government servant who retires on medical grounds under Rule 38 of the CCS(Pension) Rules, 1972 or the corresponding provisions in the Central Civil Services Regulations before attaining the age of 55 years. Admittedly in this case, the applicant's father has just crossed 55 years of age before he retired on medical grounds. So the father of the applicant has retired after attaining the age of 55 years, the applicant will not be entitled for appointment on compassionate grounds in view of the instructions contained in the Deptt. of Personnel and Training OM No.14014/6/86-Estt(D) dated 30.6.87.

5. Now let us deal whether the family is indigent and is in distress so as to have the benefit of one of the member of the family being appointed on compassionate grounds. In this context, it will be worthy to refer the judgement of the Central Administrative Tribunal, Madras Bench reported at All India Services Law Journal ^{Vol 1} Page 127 - 1989(1)CAT - Sri Kunhikrishna Karup (Applicant) vs General Manager Telecommunications, Kerala Circle, Trivandrum which reads as follows:

"The scheme relating the compassionate appointment

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is for alleviating the hardship that may be caused to the family of a Government servant who suddenly retires on medical ground. It is to compensate the indigent circumstances of the family that the provision has been made for appointing the son, daughter or the near relative of the Government servant. It is also to be noted that such appointment can be made only if the son, daughter or near relative is eligible for appointment.

In the instant case, the request of the applicant for appointment was duly considered by the High Power Committee constituted for the purpose. It is seen that the Committee took note of the intention of the scheme and was of the view that the applicant cannot claim the appointment. The question of eligibility of the applicant was also considered with due regard to the provision enabling relaxation. The Committee was not in a position to appreciate for compassionate in relaxation of the normal recruitment rules.

Para 6 of the Office Memorandum dated 25.11.78 dealing with the compassionate appointment provides that, in exceptional cases when the Department is satisfied that the condition of the family is indigent and is in great distress, the benefit of compassionate appointment may be extended to the government servant retired on medical ground. It is to be noted that the provision is by way of extension of the benefit of compassionate appointment in the case of a deceased government servant. It is only in exceptional cases that the son, daughter or near relative of the government servant retired

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on medical grounds can be given compassionate appointment. So also, in view of para 3 of the OM of 25.11.78, it is only where the Department deems fit in the context of the impecunious situation of the family, relaxation of the age limit is to be allowed. These are matters on which the Department bestows its attention and to arrive at a decision and as long as such consideration is had, the conclusion arrived at, as a result thereof, is not open to judicial review unless it is established that the matter has been considered in the proper perspective or that the question(s) has been arrived at arbitrarily.

6. We reject the application".

6. In the counter filed by the respondents, it is specifically pleaded that the applicant's father was in receipt of the following besides a monthly pension of Rs.775/- and other allowances thereof.

D.C.R.G.	Rs.22,492-30
G.P.F.	Rs 904-00
CGEIS	Rs 698-00
PLI	Rs.10,000-00

So it is quite evident that the father of the applicant is getting substantial pensionary ^{benefits} and also had monetary benefits at the time of retirement as indicated above. Though it is mentioned in the representation of the applicant's father dated 4.3.1987, that he - the father of the applicant Sri Krishna Reddy has got two sons, nothing is mentioned about the other son in the OA and his earnings. It can be inferred that the applicant's family consists of

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only three members that is the applicant himself, his father and his mother since there is no mention about the brother of the applicant herein even though there is a mention in the representation of the applicant's father, to Chairman, Postal Board, New Delhi. Since the applicant is aged 26 years, he should be in a position to maintain himself. In view of the pensionary and other monetary benefits which the applicant's father is getting and the applicant himself being a major who can look after himself, we do not consider this as a fit case for interference.

7. The Department has also followed strictly, the rules in not considering the applicant for appointment on compassionate grounds as the father of the applicant had retired after crossing the age of 55 years. So, it cannot be said that the Department had violated any rule of the principles of ~~xxx~~ natural justice in not considering the applicant for appointment on compassionate grounds. The learned counsel for the applicant relied on the following decisions.

1. AIR 1989 SC 1976 - Smt Sushma Gosain & Others Vs Union of India
2. AIR 1991 SC 469 - Smt S. Phoolwati (Appellant) Vs Union of India and others (Respondents)
3. 1992(1) SLJ(CAT) 38 - Smt Asha Devi Srivatsava (Applicant) Vs Union of India and others

to substantiate his plea that this is a fit case to appoint the applicant on compassionate grounds.

8. We have gone through the above said decisions carefully. The ~~s~~ said decisions are not applicable to the facts of this case. We see no grounds to interfere with the said orders of the respondents

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in refusing appointment to the applicant on compassionate grounds. Hence, this application is liable to be rejected and is accordingly rejected as we see no merits in this application. The parties shall bear their own costs.

T. C. Reddy

(T. CHANDRASEKHARA REDDY)
Member (Judicial)

Dated: 14 February, 1992

8/3/92
Deputy Registrar (J)

To

1. The Director General,
Union of India, Dept. of Posts, New Delhi.
2. The Chief Post Master General, Hyderabad.
3. The Director of Postal Services, Kurnool.
4. The Superintendent, R.M.S. Tirupathi Division, Tirupathi.
5. One copy to Mr.K.S.R. Anjaneyulu, Advocate, CAT.Hyd.
6. One copy to Mr.N. Bhaskar Rao, Addl.CGSC.CAT.Hyd.
^{mvl}
7. One spare copy.

pvm.

*Prashant Rao
5/3/92*

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.. TYPED BY
.. CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V.C.
THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)
AND
THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
M (JUDL)
AND
THE HON'BLE MR. C.J. ROY : MEMBER (JUDL)

DATED: 14-9-1992

ORDER/JUDGMENT:

~~R.A/G.A/M.A.N.~~

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O.A.N.C. 139/90 ✓
T.A.NO. (W.P.NO.)

Admitted and interim directions issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default.

M. A. Ordered/ Rejected

No order as to goals.

