

(36)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 171/90
T.A.No.

Date of Decision : 26.2.1991

Sri J.Karunakaran

Petitioner.

Sri K.S.R.Anjaneyulu

Advocate for the
petitioner (s)

Versus

Secretary to Govt.,Dept of Posts, Respondent.

Sri NV Ramana, Addl.CGSC New Delhi
Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

THE HON'BLE MR. ---

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships 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)

T. C. R.
(HTCR)
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.171/90

DATE OF JUDGEMENT: 26/2 FEB., 1992

BETWEEN

Sri J. Karunakaran

.. Applicant

AND

1. The Secretary to Government
and Director General of Posts
New Delhi.

2. The Chief Postmaster General
Andhra Pradesh Circle
Hyderabad

3. The Director of Postal Services
Kurnool.

4. The Superintendent, R.M.S.,
T.P. Division, Tirupathi .. Respondents

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

Counsel for the respondents :Sri N.V.Ramana, Addl.CGSC

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

T. C. R.

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

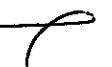
This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to consider and appoint the applicant to any suitable post on compassionate grounds in confirmity with rules.

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

1. One Sri J. Christopher retired as L.S.G. Sorting Assistant from the office of the S.R.O., R.M.S., T.P. Division, Tirupathi on medical grounds on 31.5.1985. and invalidation pension as per Director of Postal Services, Kurnool, Memo No.:ST II/2-6/TP/84 dated 22.5.1985 (Annexure 1A) was given to the said Christopher. According to the said Sri J. Christopher, he is finding difficult to maintain his family with the pension and the family is in great distress and indigent. So, the said Sri Christopher represented on 24.6.1985 (Annexure 2 to the OA) to consider appointment ^{of} the applica ~~herein~~ Sri J. Karunakaran (who is the third son) of the said Sri Christopher on compassionate grounds in relaxation of rules. The applicant's father Sri Christopher had also submitted a detailed representation dated 24.3.87 to the Post Master General, Andhra Pradesh Circle, Hyderabad with a copy to the Postal Board for consideration as there was no earlier representation. The said Sri Christopher, father of the applicant herein was replied by the Superintendent R.M.S., T.P. Division, Tirupathi vide his letter No.B15/3/IV dated 24.87 stating that the case of the

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applicant will be considered as and when a clear vacancy arises. However, the Superintendent R.M.S. T.P. Division Tirupathi vide his letter No.B15/3/VI dated 27.6.88 replied stating that the case of the applicant for appointment under relaxation of rules was considered by the Circle Level Committee and not approved as one of the sons of the invalidated official is already employed. In view of the said reply dated 27.6.88 by the Superintendent, R.M.S. T.P. Division, Tirupathi, the applicant's father Sri Christopher further submitted a representation dated 20.7.1988 with a copy of a reply from the Commanding Officer, Field Regiment 80, reporting that whereabouts of his son stated to have been employed were not known since 1985. So, the father of the applicant, Sri Christopher through his further representation dated 20.7.1988 requested the authorities to consider appointment of the applicant herein on compassionate grounds as the other son Sri J. Sudhakar ceased to work since 1985 and he is also not with the family. According to the applicant, the said Sri Sudhakar was dismissed from service by the Commanding Officer, Artillery Records, Nasik Road. The Superintendent R.M.S. vide his letter No.B15/3/VII dated May, 1989 stated that the case of the applicant for appointment under relaxation of recruitment rules has been reconsidered by the Post Master General, Hyderabad and not approved. So, the applicant submitted another representation to the Director General, Department of Posts, New Delhi on 10.5.1989 (Annexure 12 to the OA). This was also replied by the Superintendent, R.M.S.T.P. Division vide his letter No.B15/3/VII dated 11.7.1989 stating

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that the case of the applicant has been reconsidered and rejected and the case was closed in Circle Office. So, the present OA is filed by the applicant herein for the reliefs already indicated above.

2. Counter is filed by the respondents opposing the OA.

3. It is the case of the respondents that the family of the applicant is not in indigent circumstances and not at all in distress and hence, the applicant cannot be considered for any job on compassionate grounds.

4. Sri K.S.R. Anjaneyulu, Counsel for the applicant and Sri N.V. Ramana, SC for Rlys appearing for the respondents are heard.

5. From the material available on record, the said ~~Exm~~ Sri Christopher has four sons and one daughter. The eldest son of Sri Christopher is doing his Post-graduation. The second son who was serving in the army is said to have deserted and seems to have been dismissed from the army service. The applicant herein is the third son of the said Sri Christopher. He has passed SSLC. Nothing is mentioned by the applicant about his fourth son. It is the case of the applicant that his sole daughter is yet to be married.

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6. With regard to the Government servants who retire on medical grounds, the compassionate appointments have to be made only in exceptional cases when the Department is satisfied

that the family is in indigent circumstances and is in great distress.

These are all

matters on which the Department has to bestow its attention and arrive at a decision and so long as such consideration is there, the ~~same~~ conclusion arrived at as a result thereof, is not open to the judicial review. unless it is established that the matter has not been considered in proper perspective and the decision arrived at is arbitrary. So, with this back-ground, the case of the applicant has got to be dealt with.

7. Counter has been filed by the respondents opposing the application.

8. In the counter, it is pleaded by the respondents that the said Sri Christopher, the father of the applicant herein, is receiving a monthly pension of Rs.502/- excluding other reliefs, on pension. It is further submitted that the father of the applicant was paid a gratuity of Rs.15,629/- and he owns a tiled house worth Rs.6,000/-. So, it is contended on behalf of the respondents that the father of the applicant herein, the said Sri Christopher is receiving a monthly pension and owns a house to live in and as nothing is said about

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the fourth son of the said Sri Christopher, absolutely there are no grounds to appoint the applicant on compassionate grounds. It is also further contended that the family is not at all in indigent circumstances warranting the compassionate appointment. in view of the said contention on behalf of the respondents, it is rather difficult to accept that the family is in distress or in indigent circumstances. So far as the applicant is concerned, he seems to be a young man. There are so many avenues for him to earn and maintain himself.

9. As far as the first son of the applicant is concerned, as already pointed out he has appeared for M.Phil examination. He appears to be highly qualified person and having every potency to have a decent job. So from all these circumstances, it is difficult to accept the fact that the family of the said Sri Christopher is either in indigent circumstances or in great distress requiring the benefit of compassionate appointment.

10. In the circumstances of the case, the decision arrived by the ~~XXX~~ Circle Level Committee rejecting the request of the applicant's father for appointment of the applicant on compassionate grounds is in no way arbitrary.

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11. Hence, we see no merits in this OA and the OA is liable to be dismissed and accordingly is dismissed. In the circumstances of the case, we direct the parties to bear their own costs.

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(T.CHANDRASEKHARA REDDY)
Member (Judicial)

Dated: 26 Feb., 1992

Deputy Registrar (J)

To

1. The Secretary to Government and Director General of Posts, New Delhi.
2. The Chief Postmaster General Andhra Pradesh Circle, Hyderabad.
3. The Director of Postal Services, Kurnool.
4. The Superintendent, R.M.S. T.P.Division, Tirupathi.
5. One copy to Mr.K.S.R.Anajaneyulu, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd
7. One spare copy.

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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: 26-2-1992

ORDER/JUDGMENT:

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

in

O.A.No.

T.A.No.

171) 90

(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 costs.

P.V.M.

