

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A. No. 181/90

Dt. of Decision : 18-6-93

T.A. No.

B. Ramesh,

Petitioner

Sri K. Sudhakar Reddy,

Advocate for
the petitioner
(s)

Versus

Hq. Training Command, Indian Air Force,

Respondent.

Bangalore-6 & another.

Sri N.R. Devraj,

Advocate for
the Respondent
(s)

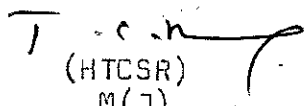
CORAM


THE HON'BLE MR. A.B. GORTHI : MEMBER (A)

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

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

ns


(HTCSR)
M(J)


(HABG)
M(A)

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA No.181/90.

Dt. of Order:18-6-93.

B.Ramesh

.....Applicant

Vs.

1. HQ. Training Command,
Indian Air Force,
Bangalore-6.

2. The Commandant,
Air Force Academy,
Hyderabad-500 043.

.....Respondents

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Counsel for the Applicant : Shri K.Sudhakar Reddy

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC

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CORAM:

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKAR REDDY : MEMBER (J)

(Order of the Divn. Bench delivered by Hon'ble
Sri A.B.Gorthi, Member (A)).

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This is an application praying for a direction to the Respondents to give appointment to the applicant in any Class-IV post on compassionate ground.

2. The applicant is the son of late Sri B.N.Kistaiah, who had rendered about 17 years service with the Respondents and died on 16-10-87 due to "Heart attack" leaving behind his wife and two sons. As the family was in indigent circumstances the applicant approach^{ed} the authorities concern^{ed} with a request

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1 for ~~an appointment on~~ compassionate appointment. His
2 representation did not meet with any success as evident
3 from the ~~following~~ order dt.21-1-89 passed by the Com-
petent Authority, which reads as follows :-

"I regret to inform you that,
after having been considered
thrice, your application for
employment under indigent cir-
cumstances could not be accepted
due to the very limited number
of vacancies for appointment in
this category and because of
the cases of more seriously
distressed families".

3. The Respondents in their reply affidavit have clari-
fied that on the death of Late Sri Kistaiah his family was
given the following amounts :-

(a) Family Pension	..Rs. 463-00
(b) Gratuity	..Rs.11122-00
(c) GPF Balance	..Rs.6,848-00
(d) Deposit Linked Ins	..Rs.3,688-00
(e) Group Insurance	..Rs.10000-00

	32,121-00

In addition to the above benefits, leave encashment for a
period of 180 days has also been paid. The Respondents
contend that there were limited number of vacancies available
for employment against the quota meant for appointments on
compassionate grounds and that the case of the applicant
was considered thrice by selection committee.. As there were
1 ~~more other~~ deserving cases, the applicant's case could
not be favourably decided.

4. Sri K. Sudhakar Reddy, learned counsel for the applicant heavily relied upon a judgment of the Hon'ble Supreme Court in the case of Sushma Gosain & others Vs. Union of India (II 1989 ATLT (SC) 442), wherein it was held as follows :-

"Further held that the purpose of providing appointment on compassionate grounds is to mitigate the hardship due to death of the bread earner in the family. Such appointment should, therefore, be provided immediately to redeem the family in distress. It is improper to keep such case pending for years. If there is no suitable post for appointment supernumerary post should be created to accommodate the applicant".

5. Sri N.R.Devraj, learned counsel for the Respondents brought out that out of the limited number of posts held by Civilians in the Airforce only 4½% of the vacancies are earmarked ^{is} ~~for~~ be filled on compassionate grounds ^{and, as} ~~there~~ there are a large number of applicants to be considered for employment in this quota, the Respondents constituted a selection committee to fill-up the vacancies available, with the most deserving candidates. The relevant selection committee's report ^{is} shown to us and we are satisfied with the Respondents ^{reply to the Committee} ~~Report~~. ~~It~~ considered the case of the applicant on three occasions. On each of the occasions the Respondents selected the candidates ~~who seemed~~ to be more deserving.

To

1. The HQ Training Command, Indian Air Force, Bangalore-6.
2. The Commandant, Air Force Academy, Hyderabad-43.
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC,CAT.Hyd.
5. One copy to Deputy Registrar(J)CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. Copy to All Benches and Reporters as per standard list of CAT.Hyd.
8. One spare copy.

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6. There can be no doubt about the salutary observations made by the Supreme Court in 'Sushma Gosain's case (cited supra). They even went to the extent of directing that when there is no suitable post vacant, a supernumerary post should be created to accommodate the applicant. However there can be no denying the fact that the basic requirement for employment on compassionate ground is that the family should be in such financial distress as would warrant immediate employment of the ward of the deceased employee. The judgment of the Supreme Court covers cases where compassionate appointment ought to be given taking in view the financial circumstances of the family. In the instant case it is seen that the employee left behind a widow and two grown up sons capable of earning their livelihood. Moreover sufficient financial support had already been given to them on the death of the employee. In any case the Respondents have fairly considered the applicant's case but could not select him in preference to other candidates who were found to be more deserving.

7. In view of our above observations, we find that the decision of the Respondents cannot be said to be arbitrary or unfair. The application is therefore dismissed without any order as to costs.

T. Chandrasekhar Reddy
(T. CHANDRASEKHAR REDDY)
Member (J)

A. B. Gorthi
(A. B. GORTHI)
Member (A)

Dated: 18th June, 1993.
Dictated in Open Court

830/173
Deputy Registrar (S)

Rono
5/19/93
TYPED BY 237
CHECKED BY
COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

A B Gosh
THE HON'BLE MR. K. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

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

DATED: 18.6.1993

ORDER/JUDGMENT

FOR TYPING

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

in

O.A.No.

18/190

T.A.No.

(W.P.No

)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

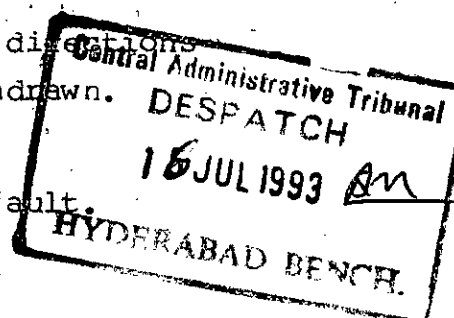
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.



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