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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO. 403/90

DATE OF JUDGEMENT:

20 - 3 MARCH, 1992

BETWEEN

Kum K. Manjula Vani

.. Applicant

AND

1. The Postmaster General
Andhra Pradesh Circle
Hyderabad-1. .. Respondents
2. The Supdt. of Post Offices, Kurnool
Division, Kurnool.
Counsel for the Applicant :Sri Sudhendhe Kulkarni
Counsel for the respondents :Sri N.R. Devaraj, 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 by the applicant herein, under Section 19 of the Administrative Tribunals Act, to direct the respondents to provide employment to the applicant on compassionate grounds.

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

1. One Sri K. Venkateswarlu, who was working as LSG/PA at Adoni, died on 15.4.1984, while he was on service. After the death of the said Sri Venkateswarlu, the wife of the deceased employee Smt K. Rajamma made a representation to the authorities to provide employment to the 2nd daughter, the applicant herein, on compassionate grounds under relaxation of normal recruitment rules. The applicant had passed intermediate at the time of her father's death. However, on 23.10.87 the respondents had negatived the applicant's case for appointment as Postal Assistant on compassionate grounds. 

2. Again, the applicant made representations on 23.10.1988 and the said representation was also rejected on 2.2.1988. ...3

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According to the applicant, there were no valid reasons indicated in the letter of respondents dated 23.10.87 and 02.02.88 for rejecting the request of the applicant for compassionate appointment. Hence, the present OA is filed by the applicant herein, to direct the respondents to appoint her as Postal Assistant in accordance with Government instructions that are issued from time to time and pass such other orders as may seem fit and proper in the circumstances of the case.

The respondents have filed the counter opposing the OA.

3. This OA was heard on 3.3.1992. On the said day, a reply affidavit was filed on behalf of the applicant. In the reply affidavit filed on behalf of the applicant, it is maintained that the deceased employee Shri K. Venakteswarlu left behind him his wife and two daughters and the said Late Sri K. Venkateswarlu, had lost his son during his life time when he was in service and that the family is in indigent and distress condition and so the applicant herein, who is the second daughter of the said Sri Venkateswarlu has to be provided with a job on compassionate grounds for survival of the family.

4. In the counter filed by the respondents, it is specifically pleaded that the deceased employee Sri K. Venkateswarlu left behind his wife, two daughters and a son and one of the daughters was married and the applicant herein, is the second daughter.

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In view of the reply/affidavit filed on behalf of the applicant, it is seen that the son of the said Sri Venkateswarlu had died while ~~he~~ Sri Venkateswarlu was in service. * The fact that the other daughter of the said Sri Venkateswarlu is married is also not controverted. Hence, the family of the deceased at present consists of only the applicant herein and her mother.

5. Admittedly, the mother of the applicant had worked as Maternity Assistant in the Government Hospital and had taken voluntary retirement and she is drawing a pension of Rs.505/- p.m. Besides the pension which Smt K. Rajamma, mother of the applicant is drawing, due to the ~~death~~ death of the said Sri K. Venkateswarlu, the mother of the applicant was sanctioned a family pension of Rs.380/- p.m. by the Department besides DCRG Rs.14,182.50 and other consequential benefits. So, as could be seen, the mother of the applicant, as on today, towards her own pension and the family pension that was granted by the department, is drawing morethan Rs.1,000/- including other allowances on both the pensions.

6. view
So, in ~~of~~ of the fact that the family is getting more than Rs.1000/- p.m., it is rather very ~~of~~ difficult to say that the family is in distress or in ~~is~~ indigent circumstances and that the family needs an appointment on compassionate grounds.

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Copy to:-

1. Post Master General, Andhra Pradesh Circle, Hyderabad-1.
2. Superintendent of Post Offices, Kurnool Division, Kurnool-001.
3. One copy to Sri. Sudhender Kulkarni, advocate, 3-4-164, Baghlingampalli, Hyd-027.
4. One copy to Sri. N.R. Devaraj, Addl. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-

7. It is needless to pointout that the concept of compassionate appointment is largely related to the need for providing immediate assistance to the family of the deceased government servants, who dies while in service, leaving his family in indigent circumstances requiring immediate means of subsistence. The first and foremost condition that has got to be satisfied by the applicant who seeks appointment on compassionate grounds is that the family is in indigent circumstances and in distress and that the family will not be able to sustain unless an appointment on compassionate grounds is provided to the son/daughter/near relative of the deceased employee.

8. The Competent Authority after taking into consideration/the circumstances of the family of the applicant, have come to the opinion that there are no valid grounds to provide an appointment to the applicant on compassionate grounds. In the circumstances of the case, it cannot be said that the opinion arrived at by the said authority in not providing an appointment to the applicant on compassionate grounds is not valid .

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

T. C. R.
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 20 March, 1992

5782
Dy. Registrar (Jyld.)

perop

O.A. 403/90

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

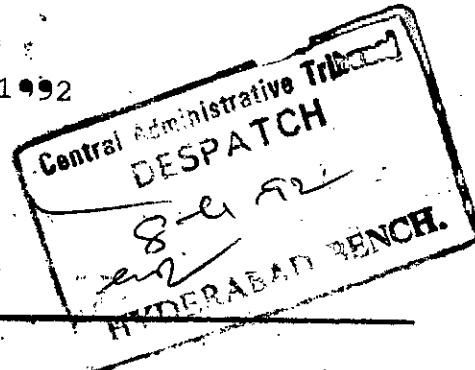
THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
M (JUDL)

AND

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

DATED: 29/3/1992

ORDER/JUDGMENT:



R.A/C.A/ M.A.N.

O.A.N.

in
403/90

P.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 costs.

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