

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 408/90

DATE OF JUDGEMENT: 26/ FEBRUARY, 1992

BETWEEN

Sri P. Venkata Ramana

.. Applicant

AND

1. The Secretary to Government
Department of Posts, New Delhi

2. The Chief Post Master General
Hyderabad

3. The Post Master General
Kurnool

4. The Senior Superintendent
of Post Offices, Chittoor

.. 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 - R - N 

Chitoor vide his letter No.B4/RE/46/89 dated 19.7.1989 replied stating that the case for appointment of the applicant had been rejected by the Circle Level Committee on the ground that other two sons are employed. There upon, the father of the applicant submitted a representation dated 26.7.1989 to the Chief Post Master General, Hyderabad, explaining [redacted] that his eldest son Narayana Swamy employed as a clerk in S.B.I. separated from family long back and was married having two children and that the third son S. Prasad was working as a Sepoy in Indian Army staying and at Meerut. The said Sri Prasad was also married having his family living separately, and that, there was no financial help from these two sons who were separated from the family and so that there was every need to provide the applicant herein any suitable post on compassionate grounds.

3. The Senior Superintendent of Post Offices, Chitoor vide his letter No.B4/RE/46/89 dated 28.9.89 replied stating that it was informed by the Circle Office that the case was already considered and rejected and therefore cannot be reopened. [redacted] The father of the applicant submitted another representation dated 11.10.1989, to the Chief Post Master General, Hyderabad. As no reply was received from the office of the Chief Post Master General, the applicant has filed the present application for the reliefs already indicated above.

4. Counter is filed by the respondents opposing this OA.

5. Sri K.S.R. Anjaneyulu, Counsel for the applicant and Sri V. Rajeswara Rao appearing for Sri NV Ramana, Addl.CGSC for respondents are heard.

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 indigent 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 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 background the case of the applicant has got to be dealt with.

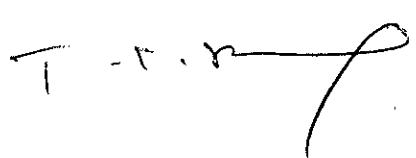
7. The material available on record shows that the father of the applicant has his own house at Madanapalle, one of the sons of the said Sri P.Ramaiah by name Sri P. Narayanaswamy is employed as a Clerk in the State Bank of India and another son Sri P. Prasad is employed in Army. Of course, the applicant, who is the third son to his father, is unemployed. Admittedly, the applicant's

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father is in receipt of the following:

Monthly Pension	Rs.416/- (excl. other allowances
DCRG paid at the time of retirement	Rs.12,898/-
GPF paid at the time of retirement	Rs.6,320/-

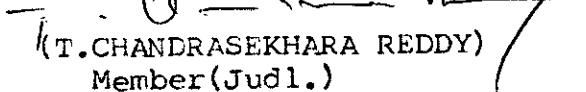
So, in view of the fact that the two members in the family of the applicant is already employed and in view of the said retirement benefits which the father of the applicant had received at the time of retirement and in view of the monthly pension and other allowances which the father of the applicant is still receiving, it is rather difficult to say that the family of the applicant is in ~~is~~ indigent circumstances in any way. Appointments on compassionate grounds are decided by the Circle Level Committee consisting of the Senior Officers of the Department and the conclusions arrived at by the said Circle Level Committee are not open to judicial review unless it is established that the matter has not been considered with the proper perspective or the decision has been arrived at is arbitrary. Hence, it is not open for this Tribunal to sit in judgement over the decision of the said Circle Level Committee as it is found in no way arbitrary.


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6. In view of the above, 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.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 26/2 February, 1992


Deputy Registrar (J)

To

1. The Secretary to Government,
Department of Posts, New Delhi.
2. The Chief Post Master General, Hyderabad.
3. The Post Master General, Kurnool.
4. The Senior Superintendent of Post Offices, Chittoor.
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-

mvl

pvm

6/1/92
6/1/92
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~~MR~~
8/3/92 (b)

TYPED BY
CHECKED BY

COMPARED BY

APPROVED BY

Single

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR.R.BALASUERAMANIAN: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.N.

in

O.A.Nc.

408 / 90 ✓

F.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.

pvt.

