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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION No. 409/90

DATE OF JUDGEMENT:

21st APRIL, 1992

BETWEEN

Sri Ch.S.Ravikumar Raju

.. Applicant

A N D

1. The Circle Selection Committee
Office of the Chief Post Master General
AP Circle, Hyderabad

2. The Welfare Officer,
Office of the Chief Post Master General
AP Circle, Hyderabad

3. The Superintendent of Post Offices
Vijayanagaram Division
Vijayanagaram 531 202 .. Respondents

Counsel for the Applicant :Sri VSR Murthy

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

CORAM:

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

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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 respondent to appoint the applicant on compassionate grounds in any suitable post according to his educational qualifications and pass such other order or orders as may seem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief are as follows:

1. One Ch. Subba Raju was working as a Postman in Vijayanagarm. He was due to retire on attaining the age of superannuation on 31.12.1987. But, unfortunately, the said Sri Subbaraju died on 13.12.1987 while he was in service. The applicant herein is the only son of the said Sri Subba Raju. According to the applicant, he passed SSC examination and he also has got a Motor Driving Licence. On 24.12.1987, the applicant put in a representation to the Post Master General, Andhra Pradesh, Hyderabad to appoint him (Applicant) on compassionate grounds to any one of the post for which he was eligible. The representation of the applicant was rejected as per orders of the Superintendent of Post Offices, Vijayanagaram Division dated 21.11.1989 that was communicated to the applicant. So, the present OA is filed by the applicant for the relief as already indicated above.
2. Counter is filed by the respondents opposing this OA. We have heard Mr VSR Murthy, Advocate for the applicant and Mr N. Bhaskara Rao, Standing Counsel for the respondents.

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3. The fact that the said Sri Subbaraju died on 13.12.1987 while he was working as Postman in the City Post Office, Vijayanagaram is not in dispute in this case. It is also not in dispute that the said Subbaraju was due to retire on 31.12.1987 on attaining the age of superannuation. So, it is evident that the applicant's father Sri Ch. Subbaraju had died at the fag end of his service. Ofcourse, the loss to the family of the deceased might be serious even though the said Subba Raju had died at the fag end of the service.

4. It is needless to pointout unless the family of the deceased is in indigent circumstances and will not be able to sustain unless compassionate appointment is provided, the applicant will not be entitled to be appointed on compassionate grounds to any of the post, which the applicant is eligible. In the counter filed by the respondents, it is specifically pleaded that the mother of the applicant has received the following allowances towards death cum retirement benefits of the said Subba Raju.

DCRG	Rs.27,285/-
GPF	Rs.13,985/-
CGEGIS	Rs.21,412/-
Death-cum-Relief Fund	Rs.21,412/-

In all, the applicant seems to have received actually is Rs.84,094/-. The ~~learned~~ learned Standing Counsel appearing for the respondents, Sri N. Bhaskara Rao pointed out that the deceased Subba Raju was blessed with only one son and daughter and the daughter was married prior to death of the said Subba Raju and in view of the death cum retirement benefits the widow of the said

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Subba Raju became entitled to and were paid, the fact that the family of the deceased Subba Raju is in indigent circumstances cannot be accepted. He further pointed out in his arguments that the widow of the said Sri Subba Raju is getting pension of Rs.535/- along with the other reliefs thereon and the total amount towards pension which she is getting is more than Rs.900/- Hence, taking all the circumstances into consideration, the fact that the family of the deceased Sri Subba Raju as already pointed out is in indigent circumstances cannot be accepted. Mr VSR Murthy advocate for the applicant tried to counter the said arguments of the learned Standing Counsel for the respondents by contending that, for the marriage of his daughter, the deceased Subba Raju had incurred certain debts and a big chunk in the amount of the death cum retirement benefits, the widow of the said Subba Raju was paid, had gone to discharge the said debts and so, it has to be understood that the family is in indigent circumstances. We have gone through the representation of the applicant dated 24.12.1987 for compassionate appointment. In the said representation dated 24.12.87, there is no mention at all about the discharge of the alleged marriage debts out of the death cum retirement benefits that were paid to the widow of the said Subba Raju. In the OA at page 3 in para '1' it is pleaded that the applicant performed the marriage of his sister by raising loans and that the sister is living separately with her husband. There is no whisper in the OA that any amount paid towards the

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discharge of the alleged debts said to have been incurred for the marriage of the daughter of the said Subba Raju (sister of the applicant) was out of the said death cum retirement benefits. So, the fact that the said Subba Raju had incurred any debts for the marriage of his daughter cannot be believed and the fact that any amount ~~out~~ of the death cum retirement benefits had gone in discharge of the alleged marriage debts cannot be believed. It is quite possible that the said Subba Raju might have saved money out of the salary while he was in service as he had only limited family which consisted of only his son (the applicant herein), the daughter and his wife. The family seems to be having about Rs.80,000/- cash besides, the widow of the Subba Raju is getting ~~more than~~ a pension of Rs.900/- per month. So, we are not prepared to accept the fact that the family of the deceased Subba Raju is in indigent ~~circumstances~~ and that the said family requires an appointment on compassionate grounds.

5. It is needless to point out that appointments to be made on compassionate grounds is very much restricted in as much as out of the total vacancies, 50% are to be set apart for departmental promotions and of the remaining 50% are to be filled by direct recruitment with provisions for reservations for SC/ST, Physically Handicapped, Ex-service-men and Compassionate appointments. So, the cases of compassionate appointments have to be offered on selective basis providing only to those who need it ~~to sustain the family~~. The Circle Selection Committee in this case had considered the case of the applicant ~~.....~~

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not justified
and had restricted the case of the applicant for appointment on compassionate grounds. In the circumstances of the case, the opinion of the Circle Selection Committee in rejecting the case of the applicant for compassionate appointment cannot be said to be in any way arbitrary. It is not open for this Tribunal to sit in judgement over the said decision of the Circle Selection Committee rejecting the application, as the decision of the Selection Committee, as already pointed out, is not at all arbitrary.

6. 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, we direct the parties to bear their own costs.

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(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 21st April, 1992

Dy. Registrar(J)
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To

1. The Circle Selection Committee
O/o the Chief Post Master General,
A.P.Circle, Hyderabad.
mvl
2. The Welfare Officer,
O/o the Chief Post Master General,
A.P.Circle, Hyderabad.
3. The Superintendent of Post Offices,
Vijayanagaram Division, Vijayanagaram-531 202.
4. One copy to Mr.V.S.R.Murthy, Advocate 13th line, Himayatnagar, Hyd.
5. One copy to Mr.N.Bhaskara Rao, Addl.CGSC.CAT.Hyd.
6. One spare copy.

pvm.

PS: Abm
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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

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

AND

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

Dated: 21-4-1992. ✓

ORDER / JUDGMENT

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

in

O.A. No. 409/90 ✓

T.A. No. 1

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered / Rejected.

No order as to costs.

pvm.

