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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.491 of 1990

DATE OF JUDGMENT: 9th JANUARY 1990

BETWEEN:

Mr. S.Ghouse Samdani Basha .. Applicant

and

1. The Department of Posts, Government of India, represented by the Superintendent of Post Offices, Cuddapah Division, Cuddapah.
2. The Circle Selection Committee, Department of Posts, Hyderabad. .. Respondents

For APPLICANT: Mr. S.Laxma Reddy, Advocate

FOR RESPONDENTS: Mr. Naram Bhaskar Rao, Addl. CGSC.

CORAM: Hon'ble Shri J.Narasimha Murthy, Member (Judl.)
Hon'ble Shri R.Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI J.NARASIMHA MURTHY, MEMBER (JUDL.)

This is a petition filed by the petitioner for a relief to declare the proceedings of the 1st respondent in No.8/7-23/GSB, dated 13.4.1990 as illegal, arbitrary and violative of principles of natural justice and consequently

direct the respondents to consider the applicant for appointment to Group 'C' post under the Regulations dealing with compassionate appointments and provide employment to him. The facts of the case are briefly as follows:-

The applicant's father, late Mr. S.Meeran Mohiddin, died while in service as Sub Post Master of Cuddapah Mandi Bazar Post Office on 8.10.1985 leaving behind him the widow, the applicant and the applicant's brother who left the house and whose whereabouts are not known, his sisters and younger minor brother. After the death of the applicant's father, the applicant's mother, S.Sugrabi, applied to the 1st respondent by her representation dated 17.6.1987 for appointment of the applicant on compassionate grounds. The applicant's elder brother, S.Ghouse Jilani Basha, has left the house and his whereabouts are not known. The income of Rs.500/- received as family pension is hardly sufficient to maintain the family. The 1st respondent did not take any action on the representation of the applicant's mother dated 17.6.1987. She made another representation dated 21.8.1987 reminding the earlier representation. The 1st respondent has sent a letter dated 16.3.1988 intimating that the applicant's case for appointment as Postal Assistant under the Regulations will be considered and the same is referred to DPS, APS Region, Kurnool and whenever a vacancy arises he will be appointed. All the way the applicant's family was hoping that he will be considered for appointment favourably but to the utter dismay, the applicant received the impugned proceedings dated 13.4.1990 from the 1st respondent stating that his case for appointment was rejected by the Circle Selection Committee, Hyderabad. The applicant stated that under the Regulations dealing with compassionate appointment, when an employee dies in service but not during the re-employment, leaving his family, in immediate need of assistance when there is no other earning member in the family, the concession of appoi-

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ment of the employee's son/daughter/near relative in relaxation of Recruit Rules to Group 'D' or Group 'C' post will be considered. The applicant passed the Intermediate examination and eligible for appointment to Group 'C' post as provided in the relevant Recruitment Rules. The applicant satisfied all the requirements under the Regulations dealing with compassionate appointments, but the 2nd respondent without assigning any reason rejected the case of the applicant for appointment. ~~thereby knowing the applicant and~~ The applicant has large family depending on the meagre family pension, so they are put to severe hardship and unless the appointment on compassionate grounds is ~~provided~~ provided, it is very difficult to the family to maintain. Hence, he filed the present application for the above said reliefs.

2. The respondents filed a counter with the following contentions:-

The number of vacancies falling vacant each year is far and few and even out of them the extent to which compassionate appointments can be made is very much restricted inasmuch as out of the total vacancies, 50% are to be set apart for Departmental promotions and out of the remaining 50% to be filled by direct recruitment, Scheduled Caste/ Scheduled Tribe, Physically handicapped persons, Ex-servicemen and compassionate appointments are to be considered. Hence, the cases for compassionate appointments have to be considered on selective basis providing employment to those who need it most to sustain the family. In the event of otherwise, the family which is in dire need for a job would not get it.

It is stated that the contention of the applicant that his brother had left the house and his whereabouts are not known

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is not correct as his brother Shri Syed Ghouse Jeelani Basha is employed in Cuddapah itself in the State Bank of India and the Hon'ble Tribunal may take suitable action for furnishing false ~~information~~. The applicant's mother was provided with the following monetary reliefs after the death of his father.

Family Pension	Rs. 711=00 including relief
DCRG	Rs. 15,822=00
FCPG	Rs. 133=00
CGEIS	Rs. 20,000=00 plus Rs. 780/-
PRF	Rs. 10,000=00
Postal Relief	Rs. 1,500=00

The family of the applicant owns a house valued at Rs. 50,000/- ~~and~~ as such the family is not in indigent circumstances. The applicant has not furnished these factors in the application but merely mentions that the family gets an income of Rs. 500/- only which is not at all correct. The case of the applicant was considered by the Circle Selection Committee consisting of senior officers of the Department and rejected as it is not a fit case for consideration. His case was considered in its entirety having taken into account the employment of his elder brother in the Bank at Cuddapah itself, besides the property of the house and the monetary assistance provided. Hence, the application is liable to be dismissed.

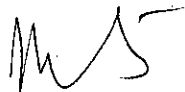
3. Shri S. Laxma Reddy, learned counsel for the petitioner and Shri Naram Bhaskar Rao, learned Additional Standing counsel for the Central Government/Respondents, argued the matter. In this case, the petitioner is ^{second} ~~a~~ son of the deceased employee Mr. S. Meeran Mohiddin who died when he was working in the Department. ~~The petitioner is the second son of the deceased employee~~

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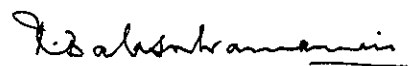
Besides the second son, the first son is working at Cuddapah in the State Bank and away from the family. The petitioner's mother, minor brother and sisters are depending on the petitioner. Hence, his mother made a representation for compassionate appointment to her son and the representation was dismissed without assigning any reason. In the counter, the respondents contended that the applicant's family got a house worth Rs.50,000/- and the elder son of the deceased is working in the State Bank of India, Cuddapah. They further contended that the family of the deceased got retirement benefits after the death of the employee and those amounts are sufficient to maintain his family.

4. The first son of the deceased employee is stated to be working in the State Bank of India, Cuddapah and should normally be able to support the family as a matter of duty. The learned counsel for the applicant contended that he is living with his own family and he is of no help to the family of the deceased employee. It is a fact that there are many families where the earning member dies leaving behind not even a single earning member and when such is the pitiable position of many families, in this family there is at least one earning member who can be expected to support the family. The learned counsel for the applicant also pointed out that the house which belongs to the deceased employee has been disposed of to celebrate the marriage of the elder daughter. A family in distress should have been more careful in handling assets left behind by the deceased employee rather than indulging in extravagance. It is also seen from the particulars of the payment received by the family that they are not in such indigent circumstances as to warrant compassionate ground appointment which could only be at the cost of other equal if not more deserving cases.

For these reasons, we do not see any reason to interfere with the decision taken by the respondents and accordingly dismiss the application with no order as to costs.

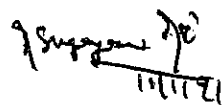


(J. Narasimha Murthy)
Member(Judl).



(R. Balasubramanian)
Member(Admn).

Dated 9-1-91



Deputy Registrar(J)

To

1. The Superintendent of Post Offices,
Department of Posts, Cuddapah Division,
Govt, of India, Cuddapah.
2. The Circle Selection Committee, Dept. of Posts, Hyderabad.
3. One copy to Mr. S. Lakshma Reddy, Advocate.
3-4-548/3, Behind Y.M.C.A. near Andhra Bank, Narayanaguda, Hyd.
4. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd. Bench.
5. One spare copy.
6. One copy to Hon'ble Mr. J. Narasimha Murthy, Member(JD) CAT. Hyd. Bench.

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CHECKED BY X APPROVED BY
TYPED BY SM COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. B. N. JAYASIMHA : V.C.

AND

THE HON'BLE MR. D. SURYA RAO : M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

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

DATE: 24-9-1991

ORDER / JUDGEMENT:

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

In

T.A. No.

W.P. No.

O.A. No.

491/90

Admitted and Interim directions
issued.

Allowed.

Dismissed for default.

Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

