

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.520/90.

Date of Judgment 8-1-91

Mohd. Abdul Khader Zilani .. Applicant

Versus

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

Counsel for the Applicant : Shri S.Laxma Reddy

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

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) I

This application has been filed by Shri Mohd. Abdul Khader Zilani under section 19 of the Administrative Tribunals Act, 1985 against the Govt. of India represented by the Supdt. of Post Offices, Cuddapah Division, Cuddapah and another.

2. The applicant's father retired on invalidation pension on 18.12.87. The applicant's father made a representation on 1.2.88 to the respondents to provide a job in the department in any clerical cadre in relaxation of

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recruitment rules on compassionate grounds extendable to him because of the invalidated pension. The applicant is at present studying Degree Course in First Year and on the date of application he was in the Second Year Intermediate Course and aged 19 years and as such was qualified and eligible for appointment to the clerical cadre. By the impugned order dated 13.4.90^{it was} communicated to the applicant stating that his case for appointment on compassionate grounds was rejected by the 2nd respondent. The impugned order does not disclose the reasons for the rejection. The applicant learns that his case was rejected on the ground that his father was invalidated after attaining the age of 55 years and as such he was not eligible for appointment. He is also aggrieved that the stipulation ~~of the condition~~ that invalidated retirement after the age of 55 years takes away the benefit of compassionate ground appointment is violative of Article 14 of the Constitution of India. He has prayed that the ~~stipulation of the condition~~ that invalidated retirement after the age of 55 years which ^{bars} denies compassionate ground appointment should be struck down and also that the rejection of the applicant's case for appointment on compassionate grounds be declared illegal and he be offered employment on compassionate grounds.

3. The application is opposed by the respondents who state that the applicant retired when he was 55 years 2 months and 3 days and therefore not eligible for consideration

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for compassionate ground appointment. It is also pointed out by them that he had been getting benefits of:

(a) Pension - Rs.570/- plus Relief.

(b) D.C.R.G.- Rs.18,645/-

(c) P.L.I. - Rs. 2,000/-

(d) C.G.E.I.S. - Rs.1,402/-

Besides this, they have a house worth Rs.35,000/-.


In accordance with the instructions of the Department of Personnel the case was considered by the Circle Selection Committee. Since they did not consider him in indigent circumstances the case was rejected.

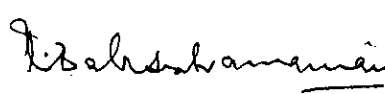
4. , We have examined the case and heard the learned counsels for the applicant and the respondents. The applicant prays that the condition which takes away the benefit of compassionate ground appointment in the case of invalidated retirement after the age of 55 years should be struck down. We do not agree to this since this condition is very essential to prevent persons waiting till the fag end of their career and just seeking retirement to enable their wards to get appointment. We therefore do not see anything illegal in this clause. . The applicant has submitted a rejoinder in which he has stated that he had applied for retirement on invalidation ground on 14.5.87 when he was well under the age of 55 years (his date of birth is 15.10.1932). The respondents took their own time to settle the issue and finally retired him on 14.12.87 i.e., about two months after he had attained the age of 55 years.


To

1. The Supdt.of Post Offices,
Govt. of India, Cuddapan Division,
Cuddapah.
2. The Circle Selection Committee,
Department of Posts, India, 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.Bhaskara Rao, Addl.CGSC. CAT.Hyd-Bench.
5. One spare copy.
6. One copy to Mr. R.Balasubramanian, Member(A) CAT.Hyd Bench.
7. One copy to Mr.J.Narasimha Murty, Member(J), CAT.Hyd.Bench.

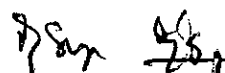
It is, therefore, his contention that this disqualification does not arise in his case. We agree with this contention of the applicant. He had applied well within the age limit and the delay is on the part of the respondents and because of this he had crossed the age limit of 55 years and this should not take away the benefit from him. The next question is whether he was in indigent circumstances which is the main criterion for offering compassionate ground appointment. In most Government offices there is normally a sizeable waiting list for such compassionate ground appointments and it is for the Selection Committee to take into account various factors, the chief among them being the indigent circumstances and decide each case on its merits. In this case, the Circle Selection Committee is stated to have examined this aspect and come to the conclusion that the applicant is not in indigent circumstances. Going by the particulars of the financial position of the applicant we also feel that the applicant is not in indigent circumstances to merit compassionate ground appointment and therefore the rejection of the case by the respondents is quite in order. Under these circumstances we do not see any reason to interfere in the case and we dismiss the case accordingly however with no order as to costs.


(J. Narasimha Murthy)
Member(Judl).


(R. Balasubramanian)
Member(Admn).


Dated

8th Jan 1999


D. R. C. (7/9)

10/11/91
12/11/91
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CHECKED BY

APPROVED BY

TYPED BY

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: 24-8/11/91

~~ORDER~~ / JUDGEMENT:

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

in

T.A. No.

W.P. No.

O.A. No. 520/90

Admitted and Interim directions
issued.

Allowed.

Dismissed for default.

Dismissed as with direction.

Dismissed.

Disposed of with direction.

M.A. Ordered/Rejected.

No order as to costs.

