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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.951/90

DATE OF JUDGEMENT 17th MARCH, 1992

BETWEEN

Sri S.K.V. Satyanarayana .. Applicant

AND

1. Director General,
Department of Post Offices,
New Delhi.
2. Chief Post Master General.
Andhra Pradesh Circle
Hyderabad
3. Superintendent of Post Offices
Vizianagaram .. Respondents

Counsel for the applicant: Sri P.B. Vijayakumar

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 respondents to provide employment to the applicant in Group 'C' category or any other category basing his qualification on compassionate grounds.

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

1. One Sri S. Madhavarao is the father of the applicant herein. The said Sri S. Madhavarao while working as L.S.G.P.A. in Vizianagaram Head Office died on 18.7.1986, leaving behind his wife and three sons. The applicant herein is the eldest son of Late Sri S. Madhavarao.
2. After the death of the said Sri Madhava Rao, the widow of the said Sri Madhava Rao Smt. S. Lakshmi Devi who is (the mother of the applicant herein) sent a representation to the concerned authorities to provide appointment to the applicant herein on compassionate grounds. Some other representations also seem to have been sent by the mother of the applicant herein to the concerned authorities. As per the proceedings of the Superintendent of Post Offices, Vizianagaram Division, No.B2/4/VIII dated 29.3.1990, the applicant's mother was informed that the case of the applicant for compassionate appointment was considered and rejected

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by the Circle Selection Committee. In view of the rejection of the request of the mother of the applicant by the concerned authorities, the applicant has filed the present application for the reliefs as indicated above.

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

4. It is needless to point out that the concept of compassionate appointment is largely related to the need for providing immediate assistance to the family of the deceased Government servant 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. Now, it has got to be seen in the light of the material that is placed before us, whether the applicant's family is in such indigent circumstances and in distress warranting the appointment of the applicant on compassionate grounds.

5. In the counter filed by the respondents, it is especially pleaded that after the death of the said Sri S. Madhava Rao, the widow, Smt S. Lakshmi Devi, the mother of the applicant herein, was provided with the following benefits.

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Monthly Pension	Rs.740/- plus relief
Gratuity	Rs.36,260/-
GPF	Rs.488/-
Postal Life Insurance	Rs 11,932/-
CGEGIS	Rs.20,952/-
Death Relief Fund	Rs.10,000/-
Encashment of EL	Rs. 8,102/-

From the above, it is quite evident that the family of the deceased has received nearly Rs.80,000/- towards DCRG and other benefits. It is also not in dispute that the widow of the deceased employee is in receipt of a monthly pension of Rs.740 plus reliefs that comes to approx. Rs.1200/- p.m. thereon. The fact that the family has also got a tiled house to live in is also not in dispute. In view of the monetary benefits which the family of the deceased got at the time of the death of the employee and are having a tiled house to live in, it is rather difficult to accept the fact, that the family of the applicant is in indigent circumstances and ^{is} in great distress.

6. As a matter of fact, as per the instructions of the Postal Department, while providing compassionate appointments payment of DCRG and other benefits to the family of the deceased/invalidated have also to be taken into consideration. So, in view of the circumstances of the case, we are of the view that the family is not placed in such circumstances as warranting appointment on compassionate grounds to the applicant. On this ground, this OA is liable to be ~~xxxx~~ dismissed.

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7. The learned Counsel for the applicant Sri PB Vijayakumar strenuously contended that the provision contained in the instructions of the postal department for taking into consideration, the DCRG and other benefits that are paid to the members of the family ^{of the deceased,} would nullify the entire scheme of compassionate appointment, and as such, the DCRG and other benefits that are paid ^{to the deceased} to the members of the family of ~~a~~/Government servant should not be taken into consideration. But, we are of the opinion that the said instructions are quite reasonable. To ascertain whether the family of the deceased is in indigent circumstances, their financial position has naturally to be taken into consideration and it is very much necessary to take into consideration, the DCRG and other benefits paid to the family of the deceased. So, the contentions of the learned counsel for the applicant cannot be accepted.

8.) The learned Counsel Sri Vijayakumar, on behalf of ^{next} the applicant/contended that the other two sons of the deceased employee are still studying and to meet the study expenses of the two sons of the deceased employee that it will be reasonable to provide employment to the applicant on compassionate ground.

9. In view of the retirement/death benefits which the family has received and as the family has a house to live in, it

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should not be a problem for the family to meet the study expenses of the other two sons as the widow of the deceased employee, as already pointed out, is getting a monthly income of Rs.740/- towards pensions and other reliefs on pension.

10. Sri P.B. Vijayakumar, learned counsel for the applicant vehemently contended that the family of the applicant is residing in an old house at Vizianagaram and that the said sum of Rs.80,000/- which the family received towards Death cum Retirement benefits, had been spent for repairs of the house and hence, the applicant's family had been ~~xxx~~ hardly left with any money on hand, and this circumstance also requires to consider the case of the applicant for appointment on compassionate grounds. But there is no proof to establish the fact that the said amount had been spent on repairs of the house. For argument sake, even if it is to be accepted that the entire amount which the family of the deceased employee received was spent in repairs of the said house, that will not alter the position in any way, from our conclusion that the family is not in indigent circumstances.

11. In most of the Government offices there is normally, a ~~xxxxxx~~ sizeable waiting list for compassionate ground appointment and it is for the selection Committee to take into account various factors, the chief among them being the indigent circumstances and decide ~~xxx~~ each case on its merits. In this case, the Circle Selection Committee after consideration, had come to the conclusion

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that the family of the applicant is not in indigent circumstances warranting appointment of the applicant on compassionate grounds. We do not find anything wrong in the above decision of the selection Committee as the conclusion arrived at by the above Committee is not open for judicial review, unless, it is established that the case has not been considered in proper perspective and the decision arrived at is arbitrary. We find the decision of the selection Committee taken in respect of the applicant's case is in no way arbitrary. 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. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 4th March, 1992

Deputy Registrar (P)

To

1. The Director General, Dept. of Post Offices,
New Delhi.
2. The Chief Post Master General, A.P. Circle, Hyderabad.
3. The Superintendent of Post Offices, Vizianagaram.
4. One copy to ^{mv1} Mr. P.B. Vijayakumar, Advocate, CAT. Hyd.
5. One copy to Mr. N. Bhaskar Rao, Addl. CGSC CAT. Hyd.
6. One spare copy.

7. one copy to D-2 (J)

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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: 4 - 3 - 1992

ORDER/JUDGMENT:

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

in

O.A.No. 951/90

T.A.No.

(W.B.No.)

Admitted and interim directions
issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to

