

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: : HYDERABAD BENCH

AT HYDERABAD

OA.1016/90

Date of decision : 14-8-1992

A. Venkateshwar

: Applicant

versus

1. The Director General of Works
Central PWD, Nirman Bhavan
New Delhi 110 011

2. The Chief Engineer-II
Southern Zone, CPWD,
140, Marshall Road, Egmore
Madras 600 008

3. The Suptdg. Engineer,
Hyderabad Central Circle,
CPWD, Nirman Bhavan
Sultan Bazar,
Hyderabad 500 001

: Respondents

Counsel for the applicant

: M. Lakshmana Sarma
Advocate

Counsel for the respondents

: N.V. Ramana, Standing
Counsel for Central Govt.

CORAM :

HON. Mr. T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

(Order of the Single Member Bench, delivered by
Hon. Mr. T. Chandrasekhara Reddy, Member(J)

This is an application filed under Section 19 of the
Administrative Tribunals Act, to direct the respondents to
appoint the applicant on compassionate grounds and pass such
other order or orders as may be deemed fit and proper in the
circumstances of the case.

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

One A. Narsimha has worked as Baildar in the office of the
Superintending Engineer, Hyderabad Central Officer/Circle,

T. C. N.

DAG

Central Public Works Department, Nirman Bhavan, Sultan Bazar, Hyderabad 500 001, who is the third respondent herein. The said Narsimha had worked for 19 years as Baildar, which is a Group-D post. He died on 25-2-1988 while in service. At the time of his death he left behind his wife and two sons. The applicant (A. Venkateshwar) is the second son of the ~~said Narsimha~~ applicant. After the death of the said Narsimha, his wife Smt. A. Narsamma (Applicant's mother) put a representation to the competent authority requesting them to give an appointment to her son, ~~on compassionate grounds~~ the applicant herein. The respondent No.2, as per the letter dated 30-1-1990 informed the applicant that his case for compassionate appointment was not considered favourably by the Director General of Works, CPWD, New Delhi, as one of her sons (eldest son) is owning lands for his maintenance and his mother is getting family pension. So, the application is filed by the applicant herein for the relief as already indicated above.

3. Counter affidavit is filed by the respondents to this OA. The counter affidavit is sworn by the Superintending Engineer, CPWD, Hyderabad.

4. In the counter affidavit, it is sworn that the eldest son of the said Baildar, Narsimha is a Government servant and is married and living separately and is also owning lands. It is further sworn in the said counter affidavit, that the eldest son had expressed no objection for providing an appointment to ~~his brother~~, the applicant.

5. Today, we have heard Mr. M. Lakshmana Sarma, for the applicant and Mr. V. Rajeswara Rao, for Mr. N.V. Ramana, Standing counsel for the respondents.

6. The scheme for appointment on compassionate grounds is meant for giving employment to the son or daughter of a deceased Government servant when the Government servant dies in harness. It ~~may~~ ^{The} also further stated that to provide an appointment on compassionate grounds the family of the deceased ~~should be in~~

distress and in indigent circumstances and the family should be in such a pitiable position that the family of the deceased will not be able to survive unless assistance is given to the said family by way of appointment. It is with this background that this case has got to be decided.

7. Even though in the counter affidavit it is specifically pleaded that the eldest son of the deceased employee, Narsimha, is in Government job, the learned counsel appearing for the applicant denies the same and contendents that the eldest son of the deceased employee is in Government job cannot be accepted unless proof of the same is produced by the respondents. But whatever ^{is} the position, the fact that the eldest son of the deceased is separated from the family and is living separately is not in dispute in this OA. He seems to be not dependent at all either on the mother of the deceased or anybody else. As the eldest son is separated from the family, in deciding this OA, we have got to be borne in mind that the family consists of only, ^{who is} the mother and the second son ^{is} the applicant herein. The age of the applicant as informed by the learned counsel for the applicant is about 24 years. The educational qualification of the applicant ^{is} not at all pleaded. It is not pleaded to which post the applicant is eligible to be appointed. But nevertheless ~~it has~~ to be seen as already pointed out whether the family of the applicant is in distress and indigent circumstances ~~are~~ requiring an appointment on compassionate grounds. ~~in the OA~~ In the OA, it is pleaded that the mother of the applicant is getting a family pension of Rs.600. The fact that towards death-cum-retirement benefits, that the family got about Rs.24,000 besides other benefits is ~~also~~ not in dispute in this OA. ^{as already pointed out} The family consists of only mother and son. In view of the family pension the mother is getting and a sum of Rs.24,000 and other benefits which the family got due to death of ~~the said~~

T. C. M.P.

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Narsimhaiah, father of the applicant, it is very difficult to believe the fact that the family of the deceased is in indigent circumstances. The contention of the respondents is that the eldest son of the deceased employee is in Government service besides owning certain lands. Asking the respondents in this case to give employment to the applicant under the Employment Assistance Scheme would naturally deprive a more and suitable person, who is more in need of employment, of his chance for employment. We are of the opinion that the family of the deceased is not at all in distress and indigent circumstances as requiring an appointment on compassionate grounds. So we do not find any other alternative except to dismiss this OA. Further, we may point out that the competent authority after considering the case of the applicant had come to the opinion that the family of the deceased is not in need of any assistance by way of appointment on compassionate grounds. Unless the opinion of the competent authority is either arbitrary or with malafide, it is not open for this Tribunal to substitute its opinion for opinion of the competent authority in providing the appointment on compassionate grounds.

86. So in view of this position, the OA is dismissed leaving the parties to bear their own costs.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated 14th Aug, 1992
Dictated in the Open Court

87982
Deputy Registrar (D)

To

1. The Director General of Works, Central PWD,
sk Nirman Bhavan, New Delhi-11
2. The Chief Engineer-II, Southern Zone,
CPWD, Madras - 8
3. The Superintending Engineer, Hyderabad Central Circle,
CPWD, Nirman Bhavan, Sultan Bazar, Hyderabad-1.
4. One copy to Mr. M. Lakshmana Sarma, Advocate
A 204 Matrusree Apartments, Hyderguda, Hyderabad.
5. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
6. One spare copy.

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 14 - 8 - 1992

ORDER JUDGMENT

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

in

O.A. No. 1016 / 90

T.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 orders as to costs.

pvm.

