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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 78/91.

Date of Decision : 17.3.92

~~TXN~~

M.Rajeswara Rao

Petitioner.

Sri S.Suryaprakasa Rao

Advocate for the
petitioner (s)

Versus

Director General of Posts & Telegraphs,
Parliament Street, New Delhi-1 & 2 others

Respondent.

Sri N.V.Ramana, Addl. Standing Counsel for
Central Govt.

Advocate for the
Respondent (s)

CORAM :

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

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HCJR
M (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH ::
AT HYDERABAD.

O.A. No. 78/1991.

Date of Decision: 17-3-9

Between:

M. Rajeswara Rao Applicant

vs.

1. Director General of Posts & Telegraphs, Parliament St., New Delhi-1. (1)
2. The Chief Post Master General, Andhra Circle, Hyderabad-1.
3. The Superintendent of Post Offices, Narsaraopet Divn., Narsaraopet. .. Respondents

For the applicant : Shri S.Suryaprakasha Rao, Advocate.

For the respondents : Shri N.V.Ramana, Addl. Standing Counsel for Central Government.

CORAM:

HON'BLE SHRI C.J. ROY, MEMBER (JUDICIAL)

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X JUDGMENT OF SINGLE BENCH DELIVERED BY HON'BLE SRI C.J.ROY, M(J) X

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This application is filed under sec. 19 of the Administrative Tribunals Act, 1985 for a direction to the respondents to consider and appoint the applicant to the post of Post Man or any other Group 'D' post on compassionate grounds in Postal Department of Andhra Circle.

Sattenapalli Bus Stand P.O. in Narsaraopet Postal Divn., Andhra Circle, and died while in service on 29-6-1985. He had put in about 20 years service. The applicant had applied to the respondents for appointing him on compassionate grounds and in pursuance of the intimation by the respondents, the applicant further gave ~~(T)~~ his willingness for appointment to the post of Post Man or any other post in Group 'D'. The

applicant had also furnished the details as to position of assets and liabilities, marital status etc. in response to the letter dt. 8.11.1989 of respondents for placing the same before the Circle Selection Committee to consider his case for compassionate appointment. The applicant alleges that several representations were submitted to the respondents explaining their family circumstances and financial position for expediting the matter. The applicant states that he was informed by letter dt. 28-3-1990 of 3rd respondent that the case of the applicant was rejected by the Circle Selection Committee. The applicant alleges that the said action is illegal, arbitrary and without any reasons. The applicant also averred that he is the second son of the deceased employee there is and/no earning member in the family. It is further contended that the applicant had to bear the burden of the family and states that he is entitled to be considered to the post of Post Man or Group 'D'.

3. The respondents filed their reply affidavit and have not disputed the facts stated by the applicant. The respondents allege that there are no indigent circumstances and that the applicant's mother was paid a sum of Rs.43,419/- towards family pension, DCRG, GPF etc. in respect of deceased official. The respondents also state that the official left behind his wife, two sons and one unmarried daughter and that the first son ~~was~~ reportedly studying medicine. It is further contended that the liabilities were found to be the daughter's marriage and the ~~as per para 3 of the order~~ studies of the elder son. The respondents allege that the Circle Selection Committee after carefully considering all aspects of the case found no indigent circumstances warranting employment on compassionate grounds and rejected the request of applicant. The respondents further allege that the vacancies occurring each year are few and the more deserving cases which need employment immediately to sustain the family based on indigent circumstances only are considered. The respondents allege that there is no arbitrariness in rejecting the case of the applicant

and desire / the application be dismissed.

4. The applicant filed material papers with the application including the impugned letter dt. 28-3-1990 bearing No.BII-2/14-IV/89-90 of 3rd respondent rejecting the case of the applicant for compassionate appointment.

5. I heard Sri S.Suryapakasa Rao, learned counsel for applicant and Sri N.V.Ramana, learned counsel for respondents, and perused the records carefully.

6. It is apparent on the face of the record, that the deceased employee had two sons and a marriageable daughter. The wife of the deceased was paid a sum of Rs.43,419-00 towards family pension, DCRG, GPF etc. It is not disputed that the applicant's mother has to perform the marriage of the daughter. Neither of the sons employed and earning. The elder son is still studying and younger one, the applicant herein seeks compassionate appointment on the ground that the deceased family is in dire need of employment to meet the liabilities of the family. It is also not the case of the respondents that some one is earning in the family or the family has some assets. The impugned letter dt. 28.3.1990 shows that no reasons are given for coming to conclusion that the applicant's family is not in indigent circumstances.

7. The learned counsel for applicant also contends that the applicant's family is in indigent circumstances and also that there are no earning members in the family. It is also contended that the family of the applicant do not own or possess immovable property except the liabilities of performing the marriage of the daughter and to prosecute the studies of elder son.

The learned counsel further contends that the impugned letter dt. 28-3-1990 rejecting the request of the applicant for compassionate appointment is passed without considering the facts and circumstances of the family.

8. In view of the observations made supra, I hold that the case of the applicant deserves re-consideration, in view of the facts and circumstances cast on him.

9. Under the circumstances, I direct the respondents to consider the case of the applicant for compassionate appointment to the post of Post Man or any other Group 'D' post within three months from the date of ~~communication of this order~~ communication of this order. The application is disposed of with these observations. No order as to costs.

M
DATE: 17th March, 1992.

ROY
(C.J. ROY)
MEMBER (J)
826/392
Deputy Registrar (Judl.)

Copy to:-

1. Director General of Posts & Telegraphs, Parliament St., New Delhi -1.
2. The Chief Post Master General, Andhra Circle, Hyderabad-1.
3. The Superintendent of Post Offices, Narsaropet Division, Narsaropet.
4. One copy to Sri. S.Suryaprakasha Rao, advocate, 1-9-485/15/B, Vidyanaagar, Hyderabad-44.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd-bad.
6. One spare copy.
7. ~~one copy to D.R(J)~~

Rsm/-

checked
per 10/3/92

2-A-78/91

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: 17/3/1992

ORDER/JUDGMENT:

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

in

O.A.No.

78/91

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 order as to costs.

