

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD

DA 250/91.

Dt. of Order: 4-4-94.

A. Srinivasa Murthy

....Applicant

Vs.

1. The Supdt., of Post Offices,  
Narasaraopet Division,  
Narasaraopet, Guntur District.
2. The Post Master General (Staff Section),  
Andhra Circle, Hyderabad.
3. The Circle Selection Committee of  
Post Offices, Narasaraopet Division,  
Narasaraopet, Guntur District.

....Respondents

Counsel for the Applicant : Shri M. Subrahmanyam

Counsel for the Respondents : Shri N.V. Ramana, Addl. CGSC

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (A)

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

.....2.

P. J.

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(Order of the Divn. Bench passed by Hon'ble  
Shri A.B.Gorthi, Member (A) ).

\* \* \*

In this application the prayer of the applicant is for a direction to the Respondents to appoint him as Postman (Group-D) on compassionate grounds.

2. The father of the applicant while in service as Jamadar (Class-IV) died on 5-1-82, leaving behind his widow, two sons and two daughters. At the time of the death of the employee his eldest son (the applicant) alone was major. The applicant passed SSC examination and as there is no earning member in the family he requested the authorities concerned to appoint him as time-scale clerk on compassionate grounds. The Respondents vide communication dt.5-12-86 stated that there was no vacancy and that the applicant would be intimated as and when a vacancy arose. Subsequently vide communication dt.21-6-88 the Post Master General, Hyderabad, informed the Superintendent of Post Offices (Respondent No.1) that as per revised recruitment rules the applicant would be eligible for appointment to the cadre of Postman only. It was further stated that as there were no vacancies in the cadre of Postman the applicant would have to wait for his turn. Consequently the Respondent No.1 asked the applicant to express his willingness or otherwise for appointment as Postman (Group-D). The applicant confirmed vide his letter dt.5-8-88 that he was willing to be

.....3.

appointed as Postman (Group-D). Notwithstanding the same the Respondents vide communication dt.23-3-90 rejected the case of the applicant for appointment on compassionate grounds.

3. The respondents in their reply affidavit have not disputed the salient facts stated in the application. They however brought out that the family of the applicant was in receipt of the following amounts on the death of the employee :-

(i)DCRG	Rs.5,878-00
(ii)Postal Life Insurance	Rs.1,000-00
(iii)CGEIS	Rs.10,000-00
(iv)GPF	Rs.5,559-00

In addition to the above the family was in receipt of a pension of Rs.130/- pm + the relief. It was further stated by the Respondents that the family owned a house valued at Rs.50,000/- at Chilakaluripeta.

4. We have heard Sri N.V.Ramana, Addl. Standing Counsel for Respondents. A careful examination of the undisputed facts of the case would clearly show that actually the Respondents kept on promising the applicant that he would be considered for appointment on compassionate grounds. It was only for want of a vacancy that the applicant ~~could not~~ cannot be appointed. However after passage of eight

years, in 1990 the Respondents came out with the version that the applicant did not deserve appointment on compassionate grounds. The so called pension and assets of the applicant's family are in fact negligible. The house in which they are staying may be valued at Rs.50,000/- but unless it is shown that it is giving the applicant's family a regular income, it cannot come in the way of considering the applicant's case for appointment. The meagre family pension of Rs.130/- pm + relief even <sup>when 2</sup> that would have been increased to Rs.375/- pm as a result of the VI Pay Commission Recommendations may not be viewed as sufficient income to sustain a family of one widow and four children. In view of this, we are of the considered view that the Respondents ought to have considered the case of the applicant for compassionate appointment keeping in view the earlier promise made and assurance given to the applicant in this regard.

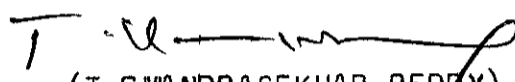
5. In the result we dispose of this application with a direction to the Respondents to give <sup>the applicant</sup> suitable appointment in any Group-D post. If there is a wait list of candidates for appointment on compassionate grounds the applicant's name may be added at the bottom of the list as on today and he ~~should~~ be given appointment in his turn. If no

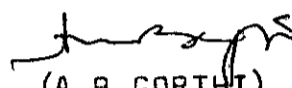
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such wait list is there it is need-less for us to add  
that the applicant <sup>will</sup> ~~would~~ be given appointment in the  
first available vacancy under the quota meant for  
compassionate appointments.

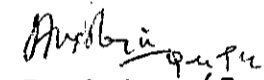
6. No order as to costs.

  
(T.C. CHANDRASEKHAR REDDY)  
Member (J)

  
(A.B. GORTHI)  
Member (A)

Dated: 4th April, 1994.  
Dictated in Open Court.

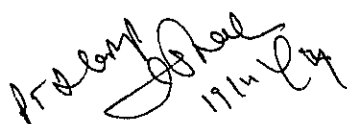
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Deputy Registrar (Judl.)

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2. The Post Master General (Staff Section), Andhra circle, Hyd
3. The Circle Selection Committee of Post Offices, Narasaraopet Division, Narasaraopet, Guntur District.
4. One copy to Sri. M. Subramanyam, advocate, Advocates Associations, High Court Buildings, Hyd.
5. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

  
19/4/94