

(32)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 322/91
T.A.No.

Date of Decision : 1-5-92

V.Rajagopal, Petitioner.
Sri S.Ramakrishna Rao, Advocate for the
petitioner (s)
Versus
Chief Post Master General, AP Circle,
Hyderabad & 2 others, Respondent.
Sri Naram Bhaskar Rao, Advocate for the
Respondent (s)

CORAM :

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

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)

posting
(HCJR)
M(J)

THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

No.322/91.

Dt. of Order: 1-5-92

V.Rajagopal

...Applicant

Vs.

1. Chief Post Master General,
AP Circle, Hyderabad.
2. Post Master General,
Southern Region, Kurnool.
3. Secretary, Department of Posts,
New Delhi.
4. *The Supdt. postal Stores Deptt
Guntakal; Anantapur dist.*

...Respondents

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Counsel for the Applicant : Sri Sanaka Ramakrishna Rao

Counsel for the Respondents : Sri Naram Bhaskar Rao

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CORAM:

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

(Order of the Single Bench dictated by Hon'ble
Sri C.J.Roy, Member (J)).

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This application is filed under section 19 of the
A.T.Act, 1985, questioning the order No.WLF/1-26/100/89
dt.9-3-90 of the Chief Post Master General, A.P.Circle,
Hyderabad, communicated through letter No.87/3-34 dt.13-3-90
of the Superintendent, Postal Stores Depot, Guntakal, rejecting
the request of appointment on compassionate grounds to the applicant's son.

The Brief facts of the case are as follows :-

2. The applicant served the Posts & Telegraph Department for a period of about 27 years. While he was working as Postal Assistant, Postal Stores Depot, Guntakal, he became incapable

for service on account of loss of eyesight and was certified by Medical Board to be completely and permanently incapable for further service. Thereafter the applicant was ordered by the Superintendent, Postal Stores Depot, Guntakal, to retire from service with effect from 17-7-87 FN on invalid pension. It is stated that even after retirement on invalidation, the applicant had to undergo Medical treatment for long time and as a result, his retirement benefits such as DCRG etc. have been considerably spent. It is further stated that the applicant had also performed the marriage of his daughter in the month of February, 1988, with the help of the remaining pensionary benefits which has resulted in reducing his position to indigent circumstances which effected his livelihood. The applicant contends that he does not have any property and not even a house to live in.

3. As the applicant was in indigent circumstances and was in need of immediate assistance, there being no other earning member in his family and had no other source of income except his pension, he represented to the Head of the Department viz., Chief Post Master General, AP Circle, Hyderabad requesting to provide employment to his son, V.Govindarajulu, who is a graduate and unemployed. The applicant's son has also given an undertaking that he would take care of the applicant and his family after employment, as required in DGP & T Lr. No.24/1/73-SPB-1 dt.3-10-73 and further

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(35)

represented that he was prepared to work anywhere and in any capacity in the Department. The Chief Post Master General in his letter C.O.No.WLF/1-26/100/87 dt.7-1-88 communicated through Superintendent, Postal Stores Depot, Guntakal in his letter No.87/3-34 dt.19-1-88 intimated that "As per para-4 of DG's letter No.60/37/84-SPB/1 dt.17-3-84 compassionate appointments can be approved only where vacancies are available. As there is no vacancy at present, your case for appointment of your son under relaxation of recruitment rules is not considered at present. Your case will be reviewed as and when vacancy arises."

4. Such being the case, on further representations by the applicant, the Chief Post Master General, AP Circle, Hyderabad, in his letter No.WLF/1-26/100/89 (impugned order) dt.9-3-90 intimated through Superintendent, Postal Stores Depot, Guntakal vide his letter No.87/3-34 dt.13-3-90 that "the case of Sri V.Govindarajulu S/o V.Rajagopal, Retired Office Assistant, Postal Stores Depot, Guntakal, for appointment on compassionate grounds was carefully considered and rejected by the Circle Selection Committee".

5. The case of the applicant is that subsequent to the rejection of the applicant's son, two candidates who are similarly placed were appointed on compassionate grounds vide Post Master General, Hyderabad Lr.No.RE/1-26/VP/90 dt.13-11-90 and Post Master General, Kurnool Memo No.WLF/1-6/RE dt.29-1-91. Hence this application praying for direction to the Respondents to appoint the applicant's son on compassionate grounds.

6. Counter has been filed on behalf of the respondents stating that the circle selection committee consisting of senior officers of the Department have carefully gone through the case and observed that there are no indigent circumstances and there are no minor sons and nor girls in the family justifying providing employment and therefore came to a conclusion that it is not a fit case and accordingly rejected it. It is further stated that the applicant was given a reply on 7-1-88 informing that his case would be reviewed as and when the vacancy arises and this communication was issued when the case was not put up to the Circle Selection Committee. After obtaining all the records, etc., the case was put up to the Circle Selection Committee on 9-2-90 which rejected the case as discussed above and this decision was communicated on 9-3-90. The Respondents further contend that in the synopsis furnished by the applicant's son it is stated that he has a pucca house at Kalyandurg and one of the sons is having a cassette shop. The Respondents further contend that each case is considered in its entirety and decided on merits. The Circle Selection Committee has gone through the case thoroughly and decided to reject the case on merits. Therefore, in view of the restrictions on the vacancies available, each case has to be considered in the background of economic conditions of the family and the deserving cases are to be considered on selective basis purely on merits. With all the above contentions respondents pray that the applicant has not made out any case for providing employment

on compassionate appointment and desired the application be dismissed.

7. The applicant filed the copies of letters dt. 7-1-1988 communicated through the Supdt., Postal Stores with a covering letter dt. 19-1-1988 wherein it is informed that the case of the applicant's son will be reviewed as and when vacancy arises, Copy of letter 13.3.1990 issued by the respondents informing that the case of Sri V.Govindarajulu son of the applicant is rejected by the selection committee, Copy of certificate dt. 17-7-1987 issued by the Medical Board declaring the applicant that he is incapable to continue in service, Memo dt. 22-7-1987 wherein the applicant was retired with invalidated pension and Memo dt. 1-2-90 showing that some other persons were recruited on compassionate grounds. The learned counsel for the applicant also filed at the time of ^{ment} arguments a copy of the certificate dt. 17-5-91 issued by the Sarpanch of Kalyandurg stating that the applicant herein do not own any house, Copy of sale-deed dt. 8-2-1989 wherein the property referred therein and situated at Kalyandurg was sold to the vendee therein, and Copy of registration certificate of Establishment dt. 30.8.82 wherein it is stated that one Sri Satyanarayana Reddy is the owner of M/s.Sri Durga Electricals, R.S.Road, Guntakal.

8. I heard Sri S.Ramakrishna Rao, learned counsel for the applicant and Sri Naram Bhaskara Rao, learned counsel for the respondents and perused carefully.

9. It can be seen from the facts that the applicant was retired on medical grounds with invalid pension and subsequent to his retirement he had to incur expenses towards his treatment and also for performing the marriage of his daughter. It is the contention of the applicant all the terminal benefits were incurred for the said purposes, and as he was facing hardship

he had approached the respondents with a request to provide compassionate appointment to his son Sri V.Govindarajulu.

In pursuance of the said request, the respondents also communicated to him that his case would be reviewed as and when vacancies arises and it was also stated that there were no vacancies at that time. It is the contention of the respondents that the applicant is not in indigent circumstances as he owns a house property and also that one of his ^{Sons} owns a Cassette shop, and therefore, the Circle Selection Committee meant for the purpose had considered the request of the applicant but rejected the said request. This O.A. is filed against the said orders of rejection.

10. On the other hand, it is the contention of the applicant that he has no house property and also none of his sons owns a cassette shop. In support of his contention he has furnished a certificate issued by the Sarpanch, Kalyandurg Board stating that there is no house on the name of Sri V.Rajagopal the applicant herein. It can be further seen that the wife of the applicant and applicant had executed sale-deed dt. 8-2-1989 wherein they had sold the house property owned by them at Kalyandurg for consideration to meet the family expenses. The learned counsel for the applicant also furnished a certificate which shows that M/s.Sri Durga Electricals, Guntakal is owned and possessed by one Sri L.Satyanarayana Reddy and deny the contention of the respondents that one of the sons of the applicant owns a cassette shop. The respondents have not placed any evidence to show that some of the applicant owns a cassette shop at Guntakal.

11. In view of the above facts, it can be seen that as on the date of impugned order of rejection dt. 9-3-1990 the applicant do not own any house property. It appears to me that the Circle Selection Committee while considering the case of the applicant had decided the matter keeping in view that the applicant owns a house etc. and came to a conclusion that the applicant is not in indigent circumstances.

12. It can also be seen that the respondents in pursuance of the request of the applicant, had informed him, that his request for compassionate appointment will be considered as and when vacancies are available. However, keeping in view of the changed circumstances of the applicant's family, I feel this is a fit case to be re-examined by the Circle Selection Committee in the light of the above observations and also keeping in view of the present status of the applicant's family.

13. Under the circumstances, I direct the respondents to place the request of the applicant herein for appointment of his son Sri V.Govindarajulu on compassionate grounds before the Circle Selection Committee for/re-consideration in the light of the observations supra and ~~etc.~~ of the case of the applicant within three months from the date of communication of this order.

14. The O.A. disposed of accordingly with the above observations. No order as to costs.

msb
(C.J. ROY)
MEMBER (J)

Date: 14 May, 1992.

L
Deputy Registrar (J)

TSR

grh.
To

1. The Chief Post Master General, A.P.Circle, Hyderabad.
2. The Post Master General, Southern Region, Kurnool.
3. The Secretary, Department of Posts, New Delhi.
4. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.Bhaskar Rao, Addl. CGSC. CAT.Hyd.Bench.
6. One spare copy.
7. The Supdt. Post & Stores Dept. Guntakal; Anantapur Dist.

pvm.

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TYPED BY

COMPARED BY

CHECKED BY *RM*

APPROVED BY *ES*

THE HON'BLE MR.

V.C.

AND

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

AND

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

AND

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

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Dated: 1 - 5 - 1992.

ORDER / JUDGMENT

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

in

O.A. No. 322/97

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

13/5 *✓* *RCB*