

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.327 of 1991

DATE OF JUDGMENT: 19th August, 1993

BETWEEN:

Mr. MAK Jilani

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Applicant

AND

1. The Chief Postmaster General,
Andhra Pradesh Circle,
Hyderabad.
2. The Superintendent of Post Offices,
Khammam Division,
Khammam.
3. Government of India, represented by
its Secretary, Telecom Department,
Department of Telecommunications and
Posts, New Delhi.

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Respondents

HEARD:

COUNSEL FOR THE APPLICANT: Mr. E.S.Ramachandra Murthy,
Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI P.T.THIRUVENGADAM, Member (Admn.)

JUDGMENT

(As per Hon'ble Shri P.T.Thiruvengadam, Member (Admn.))

The applicant's father Mohd. Murad while working as Sub Post Master, Khammam Division expired on 12.4.1989. The applicant applied for a job under compassionate grounds. The Circle Selection Committee examined the case and ^{noted} found that

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(the family of the deceased Government servant was provided with terminal benefits amounting to Rs.98,290/- plus monthly pension of Rs.1019/- plus relief fund etc., and rejected the request for providing employment on compassionate grounds. This OA has been filed against this rejection.

2. The family of the deceased employee has been provided with terminal benefits as per the following details furnished in the counter:-

DCRG	..	Rs.37,240/-
PLI	..	Rs.15,970/-
GPF	..	Rs. 542/-
CGEIS	..	Rs.21,884/-
Death relief fund	..	Rs.10,000/-
Encashment of leave	..	Rs.12,654/-

Total		Rs.98,290/-

In addition to^{the} above, a monthly pension of Rs.1019/- plus relief thereon has been sanctioned. It is the case of the respondents that the Circle Selection Committee rejected the representation for compassionate appointment as the family of the deceased Government servant was provided with considerable terminal benefits and there are no indigent circumstances calling for compassionate appointment.

3. We considered the details of the case and noted that the family of the deceased comprises of a widow aged 36 years and four children including the applicant. Out of four children, there are two daughters who are younger to the applicant and are yet to be married as stated in the reply affidavit dated 24.6.1992. The younger brother of the applicant is also stated to be studying at the time the reply affidavit has been filed. Admittedly, the applicant's family is not having any other property.

To

1. The Chief Postmaster General, *Akicks,*
Andhra Pradesh Circle, Hyderabad.
2. The Superintendent of Post Offices,
Khammam Division, Khammam.
3. The Secretary, Govt. of India,
Telecom Department, Dept. of Telecommunications
and Posts, New Delhi.
4. One copy to Mr. E. S. Ramachandra Murthy, Advocate, 43 Law Chambers,
High Court of A.P. Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
6. One spare copy.
7. One copy to Library, CAT. Hyd.

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4. From the break up of the terminal benefits, we noted that any Group 'C' employee who had worked for 25 years as ~~if~~ the case of the father of the applicant would have normally got atleast this much terminal benefits as in this case. Even with regard to the family pension, it is to be noted that the pension will come down after a period of seven years from the date of death of the employee. After meeting the expenses on the education of the younger brother of the applicant and the marriage of the younger sisters, the amount that would be left from the amount of the terminal benefits will ~~be~~ not be considerable. The purpose of providing appointment on compassionate grounds is to mitigate hardship due to death of the bread earner in the family as laid down by the Supreme Court in AIR 1989 SC 1976 (Sushma Gosain and others Vs. Union of India and other). So, it cannot be stated that the family of the deceased has not been left in indigent circumstances in view of the above back ground.

5. For the reasons stated above, the applicant has to be appointed on compassionate grounds when his turn comes. 15.6.1989, the date of the application of the applicant requesting for appointment on compassionate grounds should be taken as the basis for determining his turn. If the turn of the applicant had already come, he should be appointed in the next available vacancy from out of the direct recruitment quota befitting his qualifications. The OA is ordered accordingly. No costs.

(Dictated in the open Court).

P. J. Thiruvengadam
(P.T. THIRUVENGADAM)
MEMBER (ADMN.)

V. Neeladri Rao
(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 19th August, 1993.

8-28/8/93
Deputy Registrar (J)

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 19 - 8 - 1993

ORDER/JUDGMENT:

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

in

O.A.No.

327/91

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

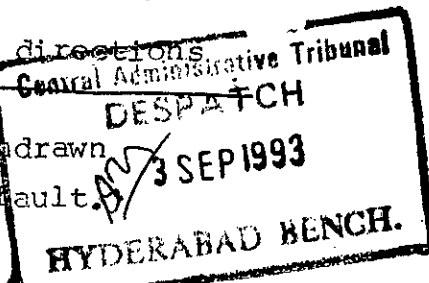
Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs



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