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

O.A.No. 466/91.

Date of Decision: 1-5-'92

Between:

Kum. M. Padmavathi Devi

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Applicant

Vs.

1. The Union of India, rep. by the  
Director General, Telecom,  
New Delhi-110 001.

2. The Telecom Dist. Manager,  
Vijayawada.

3. Chief General Manager, Telecom,  
Nampally Station Road, Hyd.

.. Respondents

For the applicant

: Sri J.V.Lakshmana Rao, Advocate.

For the respondents

: Sri Naram Bhaskara Rao, Addl. Standing  
Counsel for Central Govt.

CORAM:

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

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

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This application is filed under sec. 19 of the Administrative Tribunals Act, 1985 with a prayer to call for the records and direct the respondents to appoint the applicant as Clerk or any other suitable job on compassionate grounds in relaxation of recruitment rules.

2. The applicant herein is the daughter of late Sri M.Ramdas, who died while in service as Telephone Supervisor (Operative), Government Telephone Exchange, Vijayawada. The applicant stated that her father died on 6-8-1988 due to heart attack and left behind him herself, her mother and three brothers. The applicant belongs to S.C. community. The applicant averred that her elder brother is employed but states that he had deserted the family and living at Hyderabad and that remaining two brothers are studying. It is also stated that, in the said circumstances, the applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

XXXXXXXXXXXX  
NEW  
HYDERABAD.

O.A. No. 466/91.

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~~TA No~~  
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DATE OF DECISION 7-5-92

Kum.M.Padmavathi Devi Petitioner

Sri J.V.Lakshmana Rao Advocate for the Petitioner(s)

Versus

The Union of India, rep. by D.G., Respondent  
Telecom, New Delhi & 2 others

Sri Naram Bhaskara Rao, Addl. Advocate for the Respondent(s)  
CGSC

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 Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

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*Wong*  
HCJR  
M(J)

had applied to the respondents seeking appointment on compassionate grounds. The applicant states that she is the graduate and is within the age-limit for appointment. The applicant averred that in pursuance of the letter dt. 15-6-89 of respondents, she had informed them stating that she is willing to work anywhere in the circle. The applicant alleged that her request was kept pending for about one year and later it was communicated that her request for Compassionate appointment is rejected. The said communication is conveyed by a letter dt. 22-6-1990 bearing No.Q/MR/90-91/14 ~~dx~~ of the Asst. Engineer, Trunks, Trunks Manual Exchange, Vijayawada. The applicant filed the present O.A. against the said order rejection with a prayer referred supra.

3. The applicant alleged that the said order of rejection is arbitrary and against the rules. The applicant averred that the terminal monetary benefits received after the death of her father were incurred to clear the debts etc. and that the family is entirely dependent on the family pension of Rs.1,000/- being received. It is contended that she deserves for compassionate appointment as per rules in force and also in view of financial circumstances of the family. It is also alleged that the said action is discriminatory and in violation of Articles 14 & 16 of Constitution of India.

4. The respondents filed counter and opposed the application. The respondents state that the father of the applicant died on 6-8-1988 while in service and that the applicant herein had applied for appointment on compassionate grounds. It is stated that the Circle Selection Committee met on 25-10-1989 considered the request of the applicant but rejected the case for the reason that the family is not in indigent circumstances. The respondents averred that the family of the deceased was paid the following

amounts as terminal benefits viz.

(i)	DCRG	Rs. 33,036
(ii)	CGEIS	Rs. 21,632
(iii)	Leave Encashment	Rs. 14,321
(iv)	GPF Balance	Rs. 13,378
		<u>Rs. 82,367</u>
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It is further stated that the family of the deceased employee received amounts covered by the PLI & LIC policies, apart from the above said sums. The respondents admit that the wife of the deceased employee made requests for consideration of the applicant's case for appointment on compassionate grounds, and therefore the case was again reconsidered in March, 1990 but the same was rejected. The respondents also contend that the elder son of the deceased employee employed and that the family is getting pension and desires the application be dismissed.

5. The applicant filed a copy of the letter dt. 15-6-1989 issued by the respondents calling for the information with regard to the willingness of the applicant to work anywhere in the circle, copy of the letter dt. 5-7-1989 wherein the applicant conveyed her willingness, and copy of the letter dt. 22-6-1990 of the respondents wherein it was informed that the case of the applicant was considered by the Circle Selection Committee for appointment on compassionate grounds and that it has been decided to reject the request for relaxation of recruitment rules.

6. I heard Sri J.V.Lakshmana Rao, learned counsel for the applicant and Sri Naram Bhaskara Rao, learned counsel for the respondents and perused the records carefully.

7. From the facts it can be seen that the family of the deceased employee is drawing pension of Rs.1000/- p.m. and also that the elder brother of the applicant (first son of deceased) is employed and earning. The said facts are not in dispute. Sri Naram Bhaskara Rao, learned counsel for respondents, during the time of arguments

represented that the deceased employee was sanctioned House Building Advance for construction of a house and also that he had constructed a house at Postal Colony, Vijayawada-A.P. To this effect the learned counsel for respondents also shown the relevant records. This fact is neither disputed nor denied by the applicant nor her counsel. It is also pertinent to note that no evidence is placed before me to show that the elder son of the deceased employee had deserted the family, except making bald allegation that he had deserted the family and also that he is not taking care of them. No proof is submitted to show that the said son is separated from the family.

8. In view of the circumstances supra, the short point arises for consideration is whether the action of the respondents in rejecting the claim of the applicant herein for appointment on compassionate grounds is proper or not. I have also gone through the citation cited by the learned counsel for the applicant [ ATR 1989 (2) CAT 435 Smt.Sushma Gosain and others Vs. Union of India and others ]. The said decision is not helpful to the applicant herein as the appellants therein were all placed in an indigent circumstances, no earning member in the family besides hardship as explained therein. But in the instant case it can be seen that one of the family member is employed and earning and that the family is in receipt of family pension of about Rs.1,000/- besides own house. *The Applicant has also not denied the receipt P41 and L.I.C. policy amounts.*

9. I am fortified with the decision reported in 1991(5) SLR 404 (CAT-Patna - Chintamani Debi and another Vs. Employees State Insurance Corporation and others wherein it is held that -

"if the respondents arrived at the conclusion on an assessment of the relevant considerations as per the instructions that the family is not in distress and hence the claim for compassionate appointment is not to be allowed, the respondents cannot be faulted. The decision on no account can be said to be arbitrary or illegal."

In the said case, one of the family member of the deceased employee

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was in employment and was earning.

10. In view of the observations supra, and also in view of the circumstances of the family of the deceased employee, I hold that the family is not placed in indigent circumstances requiring compassionate appointment for the applicant. Therefore, the action of the respondents in rejecting the request of the applicant for appointment on compassionate grounds vide impugned orders is justified. The applicant has not made out any grounds for the grant of relief.

11. Under the circumstances, the O.A. is dismissed. No order as to costs.

Dated

1-5-92

( C.G. ROY )  
MEMBER (J)

1-5-92

Deputy Registrar(J)

6592

grh.

To

1. The Director General, Union of India,  
Telecom, New Delhi-1.
2. The Telecom Dist. Manager, Vijayawada.
3. The Chief General Manager, Telecom, Nampally Station Road, Hyd.
4. One copy to Mr. J. V. Lakshmana Rao, Advocate  
Flat No. 301 Balaji Towers, New Bakaram, Hyderabad.
5. One copy to Mr. N. Bhaskara Rao, Addl. CGSC. CAT. Hyd.
6. One spare copy.

pvm.