

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

O.A.No.692/91.

Date of Judgment: 25-6-1992

Between:

K. Sai Pratap .. Applicant

Vs.

1. Union of India, rep. by the
Director General, Department
of Telecommunications,
New Delhi.

2. The Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad.

3. The Telecom Dist. Engineer,
Telecom Department,
Nellore. ..

Respondents

For the applicant : Sri O. Kailasanath Reddy, Advocate.

For the respondents : Sri Naram Bhaskara Rao, Addl.
Standing Counsel for the
Central Government.

CORAM:

THE HON'BLE SRI P.C. JAIN, MEMBER (ADMN.)

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

X JUDGMENT OF THE BENCH AS PER HON'BLE SRI C.J. ROY, MEMBER (J) X

....

Sri K.Sai Pratap filed this application under sec. 19 of the Administrative Tribunals Act, 1985 claiming a relief to call for relevant records and declare the letter No.T.A/STA/13-53/89 dated 30-11-1990, the earliest orders through even letters dt. 18-5-90 and 10-9-90 issued by the 2nd respondents ~~and to declare~~ the same as illegal, arbitrary and in violation of all principles of justice and further to direct the respondents to provide employment to the applicant as a dependant family member of the employee died in harness on compassionate grounds.

...2.

: 2 :

2. The brief facts are that the applicant passed S.S.C., joined Intermediate, did Diploma in Commercial Practice while discontinuing Intermediate. Thereafter, he appeared for B.A. Correspondence course of Andhra University. The applicant is the second son of one late Sri K.Krishnaiah, who was working as Telephone Supervisor in Telephone Exchange, Telecom Department, Nellore. The said Krishnaiah had five children including the applicant herein. The eldest is the daughter and was married, the second son Sri K.Kishore Kumar was employed in the Department of Space Research Organisation, Sriharikota during the life-time of late Sri Krishnaiah. The said son Sri Kishore Kumar was living separately in Quarter No.12 since the year 1987.

3. While matters stood thus, the said Sri Krishnaiah died on 11-10-1988 in harness. He left his widow and five children. After his death, the mother of the applicant made an application to the respondents for compassionate appointment on 29-10-1988. It is also claimed that they had complied with all the formalities and also made representations, but the same were rejected in the year 1989. Thereafter, she also made another representation to the 1st respondent, but could not get any favourable reply. It is stated that the applicant's mother received two letters bearing No.TA/STA(R)/13-53/89 dt. 18-5-1990; and No.TA/STA(R)/13-53/89 dt. 30-11-1990. The applicant claims that he is entitled for compassionate appointment being the dependant child of the deceased who died in harness, and as the other employed son is not looking after the family. It is also stated that the applicant alone was eligible for appointment. Deceased Krishnaiah also due to his health condition could not earn much and they were leading miserable life.

: 3 :

4. The respondents filed counter stating that the said Sri Krishnaiah died on 11-10-1988 leaving his wife, two sons and a daughter, at the age of 54 years. The first son of the deceased was employed and the wife ~~of~~ of the deceased requested for appointment to her second son viz. the applicant herein on compassionate grounds. The Circle Selection Committee met on 25-10-1989 had rejected the case of the applicant for the reasons that the family is not in indigent circumstances and also that they are in receipt of following sums -

- (a) Family pension : Rs.880-00 plus D.A.
- (b) D.C.R.G. : Rs.56,320-00
- (c) GPF Balance and CGEIS.

The respondents further states that Smt. Jayamma, the wife of the deceased, requested for reconsideration of the case of the applicant herein but it was rejected. It is also stated that the case is devoid of merits and liable to be dismissed.

5. The applicant filed the copy of representation dt.29-10-88 submitted by his mother to the Telecom Dist. Engineer, Nellore wherein particulars of family are furnished in the prescribed proforma to the respondents while requesting them to provide employment to the applicant on compassionate grounds, and subsequent reminders dt. 19-12-89, 5-2-90 and 18-6-90. Copy of letter dt. 14-12-1989 addressed ~~to~~ to the Asst. Engineer (Trunks), Nellore by the Telecom Dist. Engineer, Nellore while endorsing a copy to the mother of the applicant wherein it was informed that the case of the applicant was considered by the Circle Selection Committee but it rejected the same. Copies of subsequent letters addressed to the mother of the applicant are also filed which were all in response to the reminders issued by the mother of the applicant.

...4.

10X

: 4 :

6. We heard Sri O. Kailasanath Reddy, learned counsel for applicant and Sri Naram Bhaskara Rao, learned counsel for respondents and perused the records carefully.

7. During the course of arguments a copy of O.M.No.14014/6/86-Estt.(D) dt. 30.6.1987 issued by the Department of Personnel and Training is also placed before us. It is not in dispute that the request made by the mother of the applicant for compassionate appointment was rejected by the Circle Selection Committee and that the same was informed to her by letter dt. 14-12-1989 by the Telecom Dist. Engineer, Nellore. In para-4(e) of the above referred O.M. it is stated that compassionate appointment may be granted eventhough there is an earning member in the family. But, in the instant case, there is nothing on record, to show that the eldest son who is employed is not looking after the family of the deceased. Besides, the family was granted family pension of Rs.880-00 and Gratuity. Therefore, the family is in receipt of a sum of Rs.880-00 plus D.A. amounting to Rs.625-00 (thus now totalling Rs.1505-00 p.m.). It is also seen from the details furnished to the respondents while seeking appointment on compassionate grounds, that the family owns a house constructed by the deceased employee with the assistance of House Building Advance. The learned counsel for the applicant also fairly conceded that the applicant and his ~~younger brother~~ are doing manual jobs.

8. The compassionate appointment is not a matter of legal right. The Circle Selection Committee ^{has} already gone through the details of the family and its history and consequently rejected the request for compassionate appointment stating that they are not in indigent circumstances. The compassionate appointment is meant only for a person who is in indigent

circumstances. We have not been shown any material to infer that the Circle Selection Committee had rejected the case of the applicant for compassionate appointment in an arbitrary manner. In view of the fact that the family owns a house, and received a sum of Rs.56,320-00 towards DCRG; a sum of Rs.30,000/- towards Insurance, and presently receiving about Rs.1500-00 p.m. as family pension, and also that the applicant herein and another in the family are doing manual jobs, we find that the applicant has not made out any case for compassionate appointment.

9. Under the circumstances, we dismiss the O.A.
No order as to costs.

(L.C. 25/6/92)
(P.C. JAIN)
MEMBER (A)

(C.J. ROY)
MEMBER (J)

Dated 25/6/92.

Deputy Registrar (J)

To

grh.

1. The Director General, Union of India, Dept. of Telecommunications, New Delhi.
2. The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad
3. The Telecom Dist. Engineer, Telecom Department, Nellore.
4. One copy to Mr.O.Kailasanath Reddy, Advocate, 73, Mehidipatnam, Hyderabad.
5. One copy to Mr.N.Bhaskar Rao, Addl. CGSC.CAT.Hyd.
6. One copy to Mr.P.C.Jain, Hon'ble Member (A)CAT.Hyd.
7. One copy to Hon'ble Mr.C.J.Roy, Member (J)CAT.Hyd.
8. One spare copy.

pvm.