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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION No.864/91

DATE OF JUDGEMENT: 24th APRIL, 1992

BETWEEN

Sri T. Anand Vara Prasad

.. Applicant

a n d

1. The Government of India rep by
Secretary,
Ministry of Telecommunication,
New Delhi

2. The Chief General Manager,
Telecommunication, A.P.,
Abids, Hyderabad

.. Respondents

Counsel for the Applicant : Sri G.Bikshapathi

Counsel for the Respondents: Sri V. Rajeswar Rao for
Sri NV Ramana, Addl.CGSC

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL)

T. Chandrasekhara Reddy

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JUDGEMENT OF THE SINGLE MEMBER BENCH DELIVERED BY
HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER(JUDL.)

This is an application filed by the Applicant herein, under Section 19 of the Central Administrative Tribunals Act, to direct the 2nd respondent to appoint the applicant as Lower Division Clerk or Time Scale Clerk with all consequential benefits and pass such other order as may seem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief are stated as follows:

1. One Sri T. Raja Rathnam was working as Upper Division Clerk in the office of the General Manager, Telecommunication, AP Circle, Hyderabad. The said Sri Raja Rathnam died on 31.10.1981 while he was in service. Under the scheme issued for compassionate appointment by the Govt. of India, son, daughter or near relative of the deceased is to be appointed on compassionate grounds. Hence, the sister of the applicant Ms T. Aruna Kumari applied for the appointment under the Compassionate Appointment scheme. The said request was rejected. Hence, the mother of the applicant again put in a representation to the Hon'ble Minister for Communication on 23.3.90. On the basis of the said representation, the respondents vide their order dt. 23.3.90 sought clarifications from the mother of the applicant whether the said Kum. Aruna Kumari was married, and if whether the she was married mother of the applicant was in interested appointment in her favour. The said Ms Aruna Kumari was married. Ultimately she was not appointed. The mother of the applicant

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submitted another representation dated 12.4.90, wherein the mother of the applicant had expressed her unwillingness for appointment to her married daughter but requested the 2nd respondent to issue appointment order in favour of her Son, Sri Anand Vara Prasad, the applicant herein, as LDC or Time Scale Clerk in the department. The said Sri Anand Vara Prasad, the applicant herein has passed Intermediate.

2. The mother of the applicant was informed by the respondents vide their letter dated 3.5.90 that the Circle Selection Committee was to meet in the last week of July, 1990 and further communication would be issued soon. The 2nd respondent informed the applicant vide his letter dated 01.10.1990 that the case of the applicant was considered by the Circle Selection Committee and it had been rejected. So, the present OA is filed to appoint the applicant on compassionate grounds as already indicated above.

3. Counter is filed by the respondents opposing the OA.

4. The following are the admitted facts.

Sri T. Raja Rathanm was working as Upper Division Clerk in the Office of the General Manager, Telecommunication, AP Circle, Hyderabad, died on 31.10.1981 while he was in service. His wife, Smt TV Raja Ratnam, was working as Head Nurse in the Osmania Hospital. In the year 1982, the said SmtTV Raja Rathanam had retired. ~~MM~~ The said Raja Ratnam couple are blessed with 2 sons and 3 daughters. All the 3 daughters are married. The first son of the deceased Sri T. John Alexander is employed in M/s Warner Hindustan Company.

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5. Smt TV Raja Ratnam, as a retired Head Nurse is getting a pension of Rs.850/- in addition to the Family Pension of Rs.450/-. Including other allowances on the said pension, Mrs TV Raja Ratnam ^{approximately} ~~is~~ receiving a sum of ^{approximately} ~~Rs.2000/-~~ p.m. It is for the second son, Sri T. Anand Vara Prasad of the said Smt TV Raja Ratnam, that an appointment on compassionate ground is sought for.

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6. Unless the family is in ~~indigent~~ circumstances and in distress, no appointment on compassionate ground can be ~~provided~~. Now the question before us is whether the family of the deceased ^{employee Raja Ratnam} ~~is~~ in ~~distress~~ or indigent circumstances warranting ~~appointment~~ on compassionate grounds. It is the contention of the learned counsel appearing for the applicant that the said Smt TV Raja Ratnam had performed the marriages of her three daughters, after the death of her husband, and ^{the} all ~~savings~~ ^{had} been spent for the said marriages and that she is in debts after performing the marriages of her ~~three daughters~~, in view of this position, which the family of the applicant is placed, it would be fit and proper to direct the respondents to appoint the applicant ^{on compassionate grounds} ~~to~~ any one of the post which he is eligible. On the other hand, the contention of the learned counsel appearing for the respondents is that the family of ~~the deceased~~ - is not at all in indigent circumstances and that, there is no proof to show that the family is in debts and in view of the two pensions which Mrs Raja Ratnam is getting, it is rather difficult to believe that the family is in indigent circumstances and so, the OA is liable to be dismissed.

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7. Even though it is contended on behalf of the applicant that the family is in debts, no material is placed before us to show that the family of the applicant is in debts. In the representation made to the Hon'ble Minister for Communications, dated 23.3.90 by the mother of the applicant, at Page 2 it is stated as follows:

"I have to still to clear a debt of Rs.10,000/- I have taken a small house on hire purchase basis for a sum of Rs.32,000/- in April, 1983 paying a monthly instalment of Rs.150/- which can be cleared only after 10 years!"
No proof is placed before us to show for purchasing of house on hire purchase that the family is indebted. But, it is quite evident that the family owns a house in Hyderabad City. Besides owning a house, as already pointed out, the family is receiving a regular monthly income of Rs.2000/- towards pension. In view of the ^{se} circumstances, it cannot be said that the family is in distress and indigent volunteering an appointment ~~to~~ to the applicant on compassionate grounds.

8. Further, no material is placed before this Tribunal to show that soon after the death of the father of the applicant Sri T.Raja Ratnam, in the year x 1981, that any representation had been made to the Competent Authority for appointment on compassionate grounds to any member of the family. The applicant herein admittedly was aged about 19 years at the time of the death of his father. For the first time, a representation appears to have been made by the mother of the applicant only on 12.04.1990 on behalf of the applicant. This only goes to show


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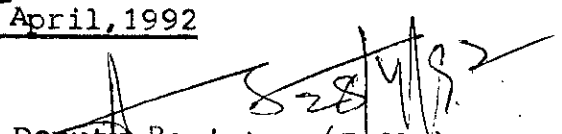
Page 2

that the family is not in need of appointment on compassionate grounds. If the family had been in need of compassionate appointment, we are unable to understand why for a period of 8 to 9 years, from date of the death of the father of the applicant, the mother of the applicant had not taken any steps for securing appointment to the applicant on compassionate grounds.

9. Hence, we see no merits in this OA and this OA is liable to be dismissed and is accordingly dismissed. In the circumstances of the case, the parties shall bear their own costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Date: 24th April, 1992

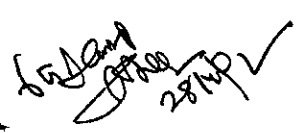

Deputy Registrar (Judl.)

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Copy to:-

1. The Secretary, Ministry of Telecommunication, Govt. Of India, New Delhi.
2. The Chief General Manager, Telecommunication, A.P. Abids, Hyderabad.
3. One copy to Sri. G. Bikshapathi, advocate, CAT, Hyd.
4. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-


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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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)

Dated: 24/4-1992.

ORDER / JUDGMENT

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

In

O.A.No.

864/91

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.

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