

(32)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 49/91.

Date of Decision :

Ex No.

K. Sneha Kiran

Petitioner.

Sri J.V. Lakshmana Rao

Advocate for the
petitioner (s)

Versus

The Union of India, rep. by the D.G.,
Telecommunications, New Delhi & anor.

Respondent.

Sri N.V. Ramana, Addl. Standing Counsel for
Central Govt.

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)

HCJR
M(J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH.

O.A.No.49/1991.

Date of Decision: 26-3-92

Between:

K. Sneha Kiran .. Applicant

Vs.

1. The Union of India, rep. by the Director General, Telecommunications, New Delhi.	..	
2. The General Manager, Hyderabad Telecom District, Suryalok Complex, Hyderabad.	..	Respondents

For the applicant : Shri J.V.Lakshmana Rao, Advocate.

For the respondents : Shri N.V.Ramana, Addl. CGSC.

CORAM:

HON'BLE SHRI C.J. ROY, MEMBER (JUDICIAL)

XJUDGMENT OF THE SINGLE BENCH AS FER HON'BLE SRI C.J.ROY, M(J) X

.....

This application is filed under sec.19 of the Administrative Tribunal Act, 1985 by Sri K.Sneha Kiran for a direction to the respondents to appoint him as Clerk or any other suitable post on compassionate grounds in relaxation of recruitment rules.

2. The applicant is eldest son of Smt.G.Devamani, who was working as Section Supervisor (Operative), in 2nd respondent office, and died while in service, leaving the applicant herein two minor sons, and a daughter. The applicant states that the said daughter married and living separately. The applicant further states that the father of the applicant, after the death of applicant's mother married second and living with her separately and that he is not looking after them. It is stated that he has deserted them. Therefore, the applicant approached the

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respondents seeking appointment on compassionate grounds. The applicant states that his brothers are still studying and are unable to maintain within the pension amount. The applicant states that he is matriculate, and is eligible for recruitment as Clerk. The applicant also averrs that he belongs to Schedule Caste. It is alleged that his case was forwarded to 1st respondent with due recommendations of 2nd respondent, but the same was rejected by a communication dt. 30.10.1989. No reasons were communicated therein except stating that "rejected for relaxation of recruitment rules". The applicant made a representation aggrieved by the said order of rejection on 15.11.1989 and reminded subsequently on 23.5.1990. As his case is not favoured with any reply, he has filed this O.A. The applicant alleged that the action of respondents is arbitrary, in violation of Articles 14 & 15 of Constitution of India. The applicant states that he is eligible as per recruitment rules for appointment on compassionate grounds.

3. The respondents filed counter and opposed the application. The respondents state that as there is an earning member in the family, the case of applicant was forwarded to 1st respondent with due recommendations by High Power Committee of Hyderabad Telecom Dist. for relaxation of normal recruitment rules and for appointment under compassionate grounds in terms of rules dt. 25.11.1978. It is alleged that the applicant earlier has not mentioned that he belongs to Scheduled Caste category but has intimated subsequently. It is also alleged that the applicant is not in indigent circumstances and desired the application be dismissed.

4. I heard Sri J.V.Lakshmana Rao, learned counsel for the applicant and Sri V.Rajeshwar Rao, proxy counsel for Sri N.V. Ramana, Addl. Standing Counsel for Central Government and perused the records carefully.

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5. It can be seen that the respondents have not disputed the facts. It can also be seen that the proposals were sent to 1st respondent by the 2nd respondent with due recommendations by letter dt. 27.7.1989 (page-8 of the material papers) for approval in terms of letter dt. 11.2.86 bearing No.268/205/85-STN. It is stated in the said letter that "all the cases have been examined by the High Power Committee constituted for the purpose and recommended for Compassionate appointments." But the 1st respondent rejected the request of the applicant herein by his communication dt. 6.10.1989 stating that "the Directorate Committee ~~xxx~~ has considered his case and it has been decided to reject the request for relaxation of recruitment rules in this case." Except stating that no reasons are given for rejecting the request of the applicant.

6. Now, the point to be considered is that whether the rejection of the request of the applicant by 1st respondent is in order or not? It can be seen that the 2nd respondent having considered the entire circumstances of the family of applicant through a High Power Committee forwarded the matter for approval of the 1st respondent while recommending his case for appointment on compassionate grounds. Having justified the claim of the applicant by the 2nd respondent, the impugned action of rejection by 1st respondent without showing any valid reasons is () not proper. Therefore, I hold that the action of respondents rejecting the request of the applicant by proceedings dt. 6.10.1989 bearing No.268-136/89-STN of 1st respondent and communicated by 2nd respondent by letter dt. 30.10.1989 is not proper and accordingly are set aside. It can also be seen subsequently the applicant made representation in detail to review the proposal, but so far the said representations are not disposed-of.

To

1. The Director General, Union of India, Telecommunications, New Delhi.
2. The General Manager, Hyderabad Telecom Dist. Suryalok Complex, Hyderabad.
3. One copy to Mr.J.v.Lakshmana Rao, Advocate Flat No.301, Balaji Towers, New Bakaram, Hyderabad.
4. One copy to Mr.N.V.Ramana , Addl.CGSC.CAT.Hyd.
5. One spare copy.

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7. Now, the point for consideration is - whether the Government can relax age and educational qualifications in case of appointment on compassionate grounds. Rule-6 of the Recruitment Rules reads as follows:-

"Relaxation:

Compassionate appointments are made in relaxation of the following:-

- (a) Recruitment procedure, i.e. without the agency of the Staff Selection Commission or Employment Exchange.
- (b) Age limit wherever necessary. The relaxation of lower age limit should not be below 14 years of age.
- (c) Educational qualification to the extent stated in para-4 above.
- (d) Clearance from Surplus Cell of this Department/ Directorate General of Employment and Training."

8. In view of the circumstances of the applicant viz. desertion of the father after his second-marriage (admitted by respondents), and also in view of the responsibilities cast upon the applicant, the respondents are liable to consider the case of the applicant, if necessary, by relaxing the recruitment rules. Moreso, the 2nd respondent having satisfied with the circumstances of the applicant, had recommended his case to 1st respondent.

9. Under the circumstances, I direct the respondents to consider the case of the applicant for appointment on compassionate grounds within a period of four months from the date of receipt of this order, if necessary, in relaxation of recruitment rules, to a suitable post. Accordingly, the O.A. is allowed No order as to costs.

Worthy
(C. S. ROY)
MEMBTR (J)

Date 26th March, 1992.

grh.

5274/92
Deputy Registrar (J)

Perf 3

TYPED BY

COMPARED BY

CHECKED BY

RVS
27/11/92 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: 26-3-1992.

ORDER / JUDGMENT

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

in

O.A. No. 69/91

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Allowed

Disposed of with directions

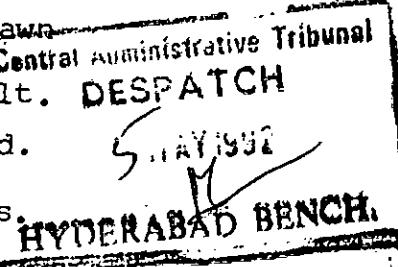
Dismissed

Dismissed as withdrawn

Dismissed for Default. DESPATCH

M.A. Ordered Rejected.

No order as to costs.



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