

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

O.A.No.988/91.

Date of Decision: 9-7-92

Jay Kumar

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Applicant

Vs.

1. The Chief Postmaster General,  
Andhra Circle, Hyderabad
2. The Director of Postal Services,  
O/o Postmaster General, Andhra  
Circle, Hyderabad
3. The Sr. Supdt. of Post Offices,  
Hyderabad City Division.
4. The Sr. Postmaster, Hyderabad  
GPO, Hyderabad

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Respondents

For the applicant

:

Sri S.D.Kulkarni, Advocate.

For the respondents

:

Sri N.V. Ramana, Addl. CGSC

CORAM:

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

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

This application is filed under sec. 19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents to consider appointment of the applicant in vacant post of Group 'D' Sweeper post on compassionate grounds under relaxation of recruitment rules and such other further order or orders.

2. The facts of the case are that the father of the applicant herein was a Class-IV employee (Scavender) at Hyderabad GPO and expired on 11-7-1987 at the age of about 47 years. The applicant herein is the third son of deceased employee and had applied for appointment as Class-IV Scavender in vacant post of his father on compassionate grounds in relaxation of normal recruitment rules.

The mother of the applicant Smt. Kabuli Bai also submitted a petition explaining the circumstances of the family and requested for compassionate appointment to the applicant herein. It is stated that the other two sons who are earning were married and are living separately with their families even before the death of the deceased employee. It is averred that the ~~the~~ applicant is only looking after her mother and supporting to the family. The father of the applicant was suffering from heart disease and was under treatment for a long time and in the process heavy expenditure was incurred, but finally he died in harness on 11-7-1987. The applicant also stated that an application was submitted to the 1st respondent herein in the prescribed proforma seeking appointment on compassionate grounds. It is alleged that the Sr. Superintendent of Post Offices, vide his letter dt. 21-12-90 informed that the case of the applicant was carefully considered and the same was rejected by the Circle Selection Committee. It is also alleged that the grounds for rejection have not been given in the said letter of rejection. The applicant also alleged that his application for appointment on compassionate grounds has not been objectively considered by the Circle Selection Committee and hence filed this O.A.

3. On behalf of respondents a counter has been filed opposing the application. The respondents admit the facts relating to the service particulars of the father of the applicant and also that the applicant had submitted an application seeking compassionate appointment, in the prescribed proforma. The respondents averred that their enquiries revealed that the other two sons are employed and earning and also that the applicant herein also working at Hyderabad GPO on contingent basis. It is stated that the Circle Selection Committee had considered the case taking all the aspects of the case, but rejected the case of the applicant. It is alleged that the family of the deceased had in receipt of a sum of Rs. 46,284/- as DCRG etc. and also that a sum of Rs. 490/- was granted as family pension.

It is alleged by the respondents that the Circle Selection Committee rejected the case of the applicant making an objective assessment and finding that three earning members are in the family of the deceased employee, and prayed the O.A. be dismissed.

4. Heard Sri S.D.Kulakarni, learned counsel for the applicant and Sri V. Rajeswara Rao, proxy counsel for Sri N.V.Ramana, learned counsel for respondents and perused the records carefully.

5. The short point in this case is that whether the applicant deserves for appointment on compassionate ~~grounds~~ keeping in view the circumstances of the family of the deceased employee, and also any arbitrariness on the part of the respondents in dealing with the case of the applicant by the Circle Selection Committee. It can be seen that the employee had three sons and that all the three sons are earning. Besides, a sum of Rs.46,284/- was received by the family as Gratuity etc. and a sum of Rs.490/- plus D.A. amounting to Rs.348/- thus totalling to Rs.838/- p.m. is being received as family pension. <sup>(now rates at firm)</sup> It is also not the case of the applicant that the Circle Selection Committee has rejected the claim of the applicant arbitrarily. Compassionate appointment cannot be claimed as <sup>a matter of</sup> right.

6. I have also gone through the Circular dt. 30-6-1987 bearing No.14014/6/86-Estt.(D) issued by the Ministry of Public Grievances and Pensions, Department of Personnel and Training, New Delhi dealing with compassionate appointments, the decision reported in AIR 1989 S.C. 1976 X 1989 Lab I.C.2040 X Smt.Sushma Gosian Vs. Union of India, relied upon by the learned counsel for applicant. The facts and circumstances of the ~~present case~~ are different and hence the said Judgments are of not much help.

7. The applicant has not made out any case that the Circle Selection Committee had rejected his case for compassionate appointment arbitrarily. There are no merits in the application. Under the circumstances, the O.A. is dismissed. No costs.

( C.J. ROY )  
MEMBER(J)

Dated 9<sup>th</sup> July, 1992.

By. Registrar (Judl.)

Copy to:-

grh.

1. The Chief Postmaster General, Andhra Circle, Hyderabad.
2. The Director of Postal Services, O/o Postmaster General, Andhra Circle, Hyd-bad.
3. The Senior Superintendent of Post Offices, Hyderabad City Division.
4. The Senior Postmaster, Hyderabad GPO, Hyderabad.
5. One copy to Sri. S.D.Kulkarni, advocate, CAT, Hyd.
6. One copy to Sri. N.V.Ramana, SC for Rlys, CAT, Hyd-bad.
7. One copy to Hon'ble Mr. C.J.Roy, Judicial Member, CAT, Hyd.
8. One spare copy.

Rsm/-