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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.989 of 1991

DATE OF JUDGMENT: 20th AUGUST, 1992.

BETWEEN:

Mr. Ahmed Abdul Raheem .. Applicant

AND

1. The Senior Superintendent of Post Offices, Nizamabad.
2. The Chief Postmaster General, Andhra Pradesh Circle, Hyderabad.
3. The Director General (Posts), Dept. of Posts, New Delhi-1. .. Respondents

COUNSEL FOR THE APPLICANT: Mr. S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana, Addl. CGSC

CORAM:

Hon'ble Shri C.J.Roy, Member (Judl.)

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JUDGMENT OF THE ~~SINGLE~~ MEMBER BENCH DELIVERED BY THE HON'BLE
SHRI C.J.ROY, MEMBER (JUDL.)

The father of the applicant, Sri M.A.Aziz while working as Sorting Postman, died on 23.6.85. The applicant who is elder son of the family and is in indigent circumstances, represented to the Sr. Superintendent of Post Offices, Nizamabad on 27.9.1985 who directed the applicant to submit his original date of birth and educational qualification certificates etc. The applicant submitted the same on 26.5.1986. He made further representations as no reply was given by the respondents. In reply, the Sr. Superintendent of Post Offices, Nizamabad vide letter dated 28.9.1988 had informed that the case of the applicant was forwarded to the Postmaster General, A.P.Circle, Hyderabad on 28.5.1986 for approval and the approval is not yet received. The applicant represented to the Postmaster General and in reply, the Sr. Superintendent of Post Offices informed the applicant vide letter dated 30.11.1988 that "the Postmaster General, Andhra Circle, Hyderabad vide his letter No.WLF/1-26/30-86, dated 28.11.1988 informed that there are no vacancies to consider your case". Thereafter, the Sr. Superintendent of Post Offices, Nizamabad directed the applicant to furnish a declaration in the proforma enclosed ~~mentioning~~ stating whether he is willing to work in any other divisions of the region (in respect of Group 'D')

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and Postman Cadre), or anywhere in the entire circle (in respect of PA/SA Cadre). The applicant gave declaration willing to work anywhere in the entire circle. Thereafter, since there was no response, the applicant made two representations to which the Sr. Superintendent of Post Offices, Nizamabad communicated vide letter dated 27.5.1991 stating that "your case for appointment in relaxation of recruitment rules was carefully considered and rejected by the Directorate vide DG(P) lr.No .24-64/91/SPB-I, dated 25.4.91 communicated vide CPMG lr.No.RE/1-26/30-86, dated 3.5.91 for the following reasons:-

"the purpose providing compassionate grounds to the ward/dependant of the deceased/invalidated Govt. servant is to render immediate assistance to the family which is found indigent circumstances. In the instant case, family consists of widow, a daughter and two sons. The daughter is married and 2nd son is running a shop. In the absence of heavy liabilities, the request has been rejected."

Hence, the applicant filed the present application for the relief as stated above.

2. The respondents countered the application stating that during the course of enquires made it was revealed that the second son of the deceased is running a pan shop and the wife of the deceased is also living with them as a

member of the joint family and also the applicant is above 25 years of age. Hence, the case was submitted to the Director General, Posts who after having examined all the aspects had rejected the case of the applicant, vide letter dated 25.4.1991. As there were no heavy liabilities in the family of the deceased, the case of the applicant was rejected which is perfectly in order. It is stated that there are no merits in the application and the application is liable to be dismissed.

3. I heard the learned counsel for the applicant Shri S.Ramakrishna Rao and the learned Additional Standing Counsel for the respondents, Shri N.V.Ramana.

4. It is argued on behalf of the applicant that the brother of the applicant had taken up the pan shop business only to support his family until the appointment to the applicant is provided and his brother is earning only Rs.20/- per day which is inadequate to maintain the family. Hence, on this ground the applicant should not be denied for compassionate appointment.

5. While relying on the Judgment in AIR 1989 SC 1976 "Smt. Sushma Gosain and others Vs. Union of India and others" and the judgment in 1991 Lab.I.C. 392 Supreme Court, "Smt. Phoolwati Vs. Union of India and others", wherein their lordships stated that even supernumerary post should be created for compassionate appointments and no delay

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should be made and these two judgments are followed with approval in the case of "Smt. Asha Devi Srivastava Vs. Union of India and others" (AISLJ 1992(1) CAT 38), by the Central Administrative Tribunal, New Delhi and also in view of the fact that the case of the applicant deserves for compassionate appointment, I have no hesitation to give a direction to the respondents to consider the case of the applicant for compassionate appointment.

6. I, therefore, direct the respondents to consider the case of the applicant for an appointment on compassionate grounds within a period of four months from the date of receipt of this order.

7. The application is accordingly allowed with no order as to costs.

(C.J. ROY)
Member (Judl.)

Dated: 20th August, 1992.

Deputy Registrar (J.)

To

1. The Senior Superintendent of Post Offices, Nizamabad.
2. The Chief Postmaster General, A.P.Circle, Hyderabad.
3. The Director General (Posts) Dept. of Posts, New Delhi-1.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr. N.V. Ramana, Addl. CGSC, CAT.Hyd
6. One copy to Hon'ble Mr. C.J. Roy, Member (J)CAT.Hyd.
7. One spare copy.

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Satisfied
perfor

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R.M
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COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 20 - 8 - 1992

ORDER / JUDGMENT

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

in

O.A.No. 989/91

T.A.No.

(W.P.No)

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A.Ordered / Rejected

No orders as to costs.

pvm.

