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V.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

--

ORIGINAL APPLICATION NO.884/92

DATE OF JUDGEMENT: 23 FEB., 1993

Between

Smt S.Satyagnana Prasoonamba

.. Applicant

and

1. Central Board of Excise & Customs
Government of India
represented by its Secretary
NEW DELHI
2. Principal Collector of Central Excise
Lal Bahadur Stadium, Basheerbagh
Hyderabad
3. The Collector of Central Excise
Visakhapatnam

.. Respondents

Counsel for the Applicant

:: Mr N.Ram Mohan Rao

Counsel for the Respondents

:: Mr M.Jagan Mohan Reddy

CORAM:

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

JUDGEMENT

This is an application filed under Section 19 of the Central Administrative Tribunals Act, to direct the respondents to provide an appointment on compassionate grounds in favour of Sri S.Saiji Rao, who is the second son of the applicant and to pass such other orders as may deem fit and proper in the circumstances of the case.

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

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3. The applicant's husband (late) Sri SKP Bhimasena Rao died on 13.9.89 while he was in service as Inspector of Central Excise in Viskhapatnam. The applicant submitted ~~an~~ a representation on 7.11.89 requesting for compassionate appointment in favour of her second son which was rejected by the respondents vide their letter dated F 12012/7/91-Ad. III.B dated 31.10.91. So, the present OA is filed for the relief as already indicated above.

4. Today we have heard Mr N.Ram Mohan Rao counsel for the applicant and Mr Jagan Mohan Reddy, Counsel for the respondents.

5. My learned predecessor Hon'ble Sri CJ Roy, vide his orders dated 4.1.93, had called for counter from the respondents. The same had not been filed by the respondent till date. After hearing both sides, ^{as} ~~this~~ OA can be decided with ^{out} the counter, we proceed to decide this OA on merits in the admission stage itself, as sufficient material is available on record.

6. During the admission hearing of this OA, it was brought to our notice that the eldest son of the applicant is employed and is married; but it is contended that he is living separately. It is admitted by the learned counsel for the applicant that the sole daughter of the applicant got married during the life-time of her father (applicant's husband) and living separately. So, the family as on today, is left over ~~with~~ only with the applicant and her second son Saiji Rao. It was also brought to our notice that the applicant's second son, Sri Saiji Rao during the year 1989 was in the Second Year Law and that as on date he ^{is} qualified in law. From the perusal of the records and

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relevant Govt. instructions on the subject, it is clear that the scheme for compassionate appointment is applicable only to a son, or daughter or near relative of the Government servant who dies in harness when there is no other earning member in the family. As already pointed out, it is not in dispute that the applicant (widow of Late Sri SKP Bhimasena Rao) has only two sons and that the first son is employed and living separately and is said to be not looking after the applicant and her second son. The fact that the only daughter of the applicant also has got married is not in dispute. Though the first son is married, he does not cease to be a member of the family. As such, this is a case where there is an earning member in the family and so the general provisions in the Government instructions do not apply.

7- It may also be pointed out that the scheme relating to compassionate appointment is for alleviating the hardship that may be caused to the family of a Government who suddenly die while in service. It is to compensate the inevitable circumstances of the family that the provision for compassionate appointment of his son, daughter or near relative is made. So, it has got to be seen whether the family in this case is in distress and in indigent circumstances so as to warrant an appointment on compassionate grounds.

8. It is pleaded in the OA that after the death of the said Bhimasena Rao, the applicant had been paid a sum of Rs.1,37,000/- towards death benefits of her husband.

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To

1. The Secretary, Govt. of India,
Central Board of Excise & Customs,
New Delhi.
2. The Principal Collector of Central Excise
Lal Bahadur Stadium, Basheerbagh, Hyderabad.
3. The Collector of Central Excise,
Visakhapatnam-
4. One copy to Mr. N. Rammohan Rao, Advocate, CAT. Hyd.
5. One copy to Mr. M. Jaganmohan Reddy, Addl. CGSC. CAT. Hyd.
6. One spare copy.

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The applicant is also drawing a family pension of Rs.900/- per month. From the averments in the OA, it becomes clear that the applicant's husband while furnishing his annual returns of immovable properties as on 1.1.87 had mentioned that he owned ancestral house valued at Rs.1500 and 30 acres of wet land ^{in West Godavari District} acquired by him through his ancestors. The learned counsel tried to argue much to show that the applicant's husband did not leave 30 acres of wet land as stated by him in his Annual Returns.

→ The scope of the OA is not to find out the ~~xxxxxx~~ assets said to have been left over by the said Bhimasena Rao, husband of the applicant herein, at the time of his death. The scope of the OA, as already pointed out is to ascertain whether the family of the applicant is in distress and indigent circumstances warranting compassionate appointment to the applicant's second son without which, the family would not be able to get on. ~~xxxxxx~~

9. Having due regard to the statements made by the applicant's husband as on 1.1.87 ^{in his annual returns} with regard to his immovable properties and also bearing in mind that the applicant is a pensioner getting more than Rs.900/- per month towards family pension and also that the applicant had received Rs.1,37,000/- towards the death benefits of her husband, (for whom the applicant seeks appointment on compassionate grounds) Late Sri Bhimasena Rao and that her second son ^{is a Law Graduate}, it is very difficult to conclude that the family of the applicant is in indigent circumstances. Absolutely we see no merits in this OA and as this is not a fit matter for adjudication, this OA is rejected summarily under the Provisions of 19(3) of Central Administrative Tribunals Act leaving the parties to bear their own costs.

(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 23 February, 1993

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8/2/93
Deputy Registrar (J)