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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

HYDERABAD

OA No. 923/92

Date of judgement: 16-4-93.

Between

Shri T. Balaji : Applicant

And

1. The Superintendent of Post offices,
Tirupathi Division, Tirupati.

2. Director of Postal Services,
A.P. Southern Region, Kurnool.

3. Postmaster-General,
A.P. Southern Region, Kurnool.

4. Chief Postmaster-General,
A.P. Circle, Hyderabad. : Respondents

COUNSEL FOR THE APPLICANT : Shri S. Rama Krishna
Rao

COUNSEL FOR THE RESPONDENTS : Shri N.R. Devaraj.

CORAM

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman

(Judgement of the single bench delivered by Justice
Shri V. Neeladri Rao, Vice-Chairman).

Heard Shri S. Ramakrishna Rao, learned counsel
for the applicant and Shri N.R. Devaraj, learned
Standing counsel for the Respondents.

The applicant's father was appointed as
ED BPM, Kummarpalle on regular basis. He expired
on 16-7-91. On the same day the applicant who is
the only son of the deceased was appointed as ED BPM,
Kummarpalle on temporary basis. The applicant made a
representation on the same day with a request for
his appointment as ED BPM, Kummarpalle on compassionate

grounds. The same was considered by the Director of Postal Services, Kurnool and Postmaster-General, Kurnool (Respondents 2 & 3) and it was rejected on 3-3-92 by holding that the applicant cannot be treated as living in indigent circumstances as he was paid Rs. 10,000/- from the Postal Relief fund and Rs. 2,887/- as ex-gratia on the death of his father and he is also getting an annual income of Rs. 5,000/- from his wet land of 95 cents. The respondents pleaded that after the rejection of the application of the applicant for appointment as ED BPM, Kummarpalle on compassionate grounds, the Employment Exchange was addressed twice and when there was no response from the same, notification was issued on 30-4-92 calling for applications and then the applicant also applied and ultimately Shri Chenchu Rama Reddy was selected on 9-10-92 as ED BPM, Kummarpalle and he was appointed on 16.10.92 on regular basis replacing the applicant. From that time, Shri Chenchu Rama Reddy was discharging the duties of ED BPM, Kummarpalle. This OA was filed on 21-10-92.

It is manifest from xxxxxxx para 4 of DG P&T Lr. No. 43-84/80-Pen dated 30-1-81 that one should be the resident of the village for which ED BPM has to be appointed in order to be eligible for that post. By the time this OA was filed, there was no vacancy for the post of ED BPM, Kummarpalle village to which the applicant belongs. Hence it is held that no direction can be given to the respondents to appoint the applicant as ED BPM, Kummarpalle, even if it can be established that he is in indigent circumstances and as such, he claims appointment for the post of ED BPM on compassionate grounds. In the above view, there is nothing to consider for disposal of this OA as to whether the applicant is in indigent circumstances

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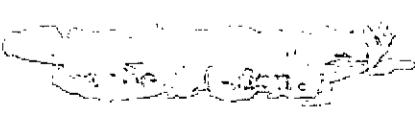
1. The Superintendent of Post Offices, Tirupathi Division, Tirupathi.
2. Director of Postal Services, A.P.Southern Region, Kurnool.
3. Postmaster-General; A.P.Southern Region, Kurnool.
4. Chief Postmaster General, A.P.Circle, Hyderabad.
5. One copy to Sri. S.Rama krishna Rao, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One spare copy.
8. *Laibany one copy*

Rsm/-

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as claimed by him or that he is not in indigent circumstances as contended for the respondents. It is submitted for the applicant that the income from his land when it is stated as Rs.5,000/- per annum/highly exaggerated and he is in indigent circumstances and he is an orphan, and the DG P&T letter No. 43-212/79/Pen dated 4-8-1980 envisages that suitable job in ED cadre may be offered to one dependent of an ED official, who dies in while in service leaving the family in indigent circumstances subject to the condition applicable to regular employees who dies while in service or retires on invalid pension, and employment to the dependents of such officials should be given only in very hard and exceptional cases and hence the respondents should be directed to offer a job in ED cadre to the applicant. In these circumstances, it is just and proper to direct the respondents to make an enquiry in regard to the income from the land of the applicant, if his contention that it is an exaggerated case when the annual income is stated as Rs.5,000/- is not ~~asserted~~ accepted. If the applicant is found to be in indigent circumstances, he is to be offered a job in ED cadre in pursuance of the letter dated 4-8-80 of Directorate, Postal & Telegraphs as referred to above. The Respondent 1 has to take steps in the matter within one month from the date of receipt of this letter. The OA is ordered accordingly with no costs.

The office has to communicate a copy of this order by 30-4-93.


(V. Neeladri Rao)
Vice-Chairman

(Open Court dictation)

Dated 16th April, 1993.


D. Registrar (J. G.)

~~RM~~ (R) 22/11/93 C.A. 923/92 ①

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. R. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

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

DATED: 16/4/1993

ORDER/JUDGMENT

~~R.P. / C.P/M.A.NO.~~

in—

O.A. No.

~~T.A. NO.~~

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

Central Administrative Tribunal
DESPATCH
26 APR 1993