

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA 968/92.

Dt. of Order:8-11-93.

1. S.Krishna Reddy
2. S.Ranga Reddy

....Applicants

Vs.

1. Union of India, rep. by
the Secretary, Ministry of Communications,
New Delhi-1.
2. Chief General Manager, Telecommunications,
Andhra Pradesh Circle, Hyd-1.
3. Telecom District Manager, Guntur-522 002.

....Respondents

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Counsel for the Applicants : Shri T.V.V.S.Murthy & Shri T.Jayant
Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

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CORAM:

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

T. Chandrasekhara Reddy

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(Order of the Divn. Bench passed by Hon'ble
Shri T.C.Reddy, Member (J)).

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This is an application filed under section 19 of the A.T.Act, 1985, to direct the Respondents to appoint the first applicant herein in a suitable post on compassionate grounds in relaxation of normal recruitment rules and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The 2nd applicant herein is the father of the first applicant. The 2nd applicant while working as Telegraph Master in District Telecom Office, Narsaraopet retired from service on medical invalidation grounds w.e.f. 6-12-89. The date of birth of 2nd applicant is 15-7-1935. But for the medical invalidation, in the normal course the 2nd applicant would have retired on 16-7-93. The 1st applicant is the eldest son of 2nd applicant. The 2nd applicant made a representation to the Chief General Manager, Telecom, to appoint 1st applicant in Telecom Department on compassionate grounds in any suitable post in relaxation of recruitment rules. The representation of the 2nd applicant was rejected. So the present O.A. is filed by both the applicants for the relief as already indicated above.

3. Counter is filed by the Respondents opposing this O.A. In the counter of the Respondents it is maintained that the 2nd applicant towards retiral benefits has received an amount to the tune of Rs.90,000/- and besides

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this, the 2nd applicant is getting ^{monthly} pension ^{more than} of Rs.1,000/- including reliefs there on. ~~and~~ In view of the retirement benefits the 2nd applicant received and the monthly pension that the family is getting, ~~above that~~ the family is not in indigent circumstances and so the O.A. is liable to be dismissed.

4. We have heard Shri B.V.S.R.Murthy for Shri T.Jayant, counsel for the applicant and Shri N.V.Ramana, learned standing counsel for the Respondents. The following facts are not in dispute. [The 2nd applicant while working as Telegraph ~~Office~~ Master retired on 6-12-89 on medical invalidation. The 2nd applicant ~~is~~ has three sons including ~~the~~ 1st applicant herein ~~and two others~~. The 1st applicant had studied up to B.Sc. and the two other ^{the} sons of 2nd applicant are said to be college going boys and are ~~not in~~ ^{are} studying. It is the case of the applicants that the family is in indigent circumstances and without ~~any~~ ^{the} assistance to family by way of an appointment ~~to the~~ ^{first} applicant that the family will will not be able to get on.

5. It is also contended by the learned counsel for the applicants that their family does not possess any movable or immovable properties. It is submitted ~~xxcontended~~ that when the 2nd applicant ~~had~~ came to Hyderabad to meet the 2nd respondent in connection with the job to the 1st applicant that he met with an accident and had fracture of his leg and in this connection he had spent a considerable amount and that the wife of the 2nd applicant (Smt.Susheela) had ~~some~~ a

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gynec problem and to cure that problem certain amount has been spent and that the family is not left with the ~~complete~~ ^{full} amount of Rs.90,000/-, which the 2nd applicant got towards retiral benefits. So it is contended by the learned counsel all these factors might also be taken into consideration to determine the indigent circumstances of the family.

6. No proof has been placed before this Tribunal to show that the said Smt. Susheela had ~~same~~ ^{gynec} problem and to cure the same any ~~amount had been spent~~ ^{expenditure had been incurred}. No doubt certain material ^{to show} has been placed before us that the 2nd applicant fractured his leg when he visited Hyderabad ^{allegedly} to meet the 2nd Respondent and Rs.8,000/- has been spent to meet the medical expenses for the treatment of ^{leg} fracture of the 2nd applicant. Even it is to be accepted that towards medical expenses a sum of Rs.10,000/- has been spent, the family would ^{still} be left with about 80,000/-.

7. It is also not in dispute that the 2nd applicant is getting not less than a sum of Rs.1,000/- pm ~~as~~ pension. So with the said amount of Rs.1,000/- and with a sum of Rs.80,000/- on hand as already pointed out, it cannot be said that the family is in ~~an~~ indigent circumstances.

8. It should be noted that in Compassionate Appointment the first preference is to be given to the families where an employee had died while in service, 2nd preference

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To : The Secretary, Ministry of Communications,

Union of India, New Delhi-1.

2. The Chief General Manager, Telecommunications,
Andhra Pradesh Circle, Hyderabad-1.

3. The Telecom District Manager, Guntur-2.

4. One copy to Mr. T. Jayant, Advocate, CAT, Hyd.

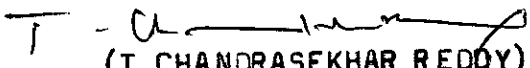
5. One copy to Mr. N. V. Ramana, Adml. CGSC, CAT, Hyd.

6. One copy to Library, CAT, Hyd.

7. One spare copy.

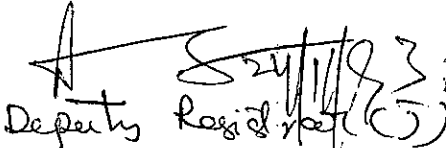
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is to be given to the employees who retired on medical in validation. Bearing in mind that the 2nd applicant belongs to 2nd category and in view of the pensionary benefits and ~~retiral benefits~~ which the 2nd applicant got, we are not prepared to accept the contention of the applicants that the family is ~~xxx~~ in distress and indigent circumstances. The learned counsel for the applicant took us ~~through~~ a number of decision delivered by the Central Administrative Tribunal, wherein ~~the~~ respondents in those cases had been directed to consider ~~these cases for~~ appointments on compassionate grounds. But in all the said cases the Bench/Benches ~~xxx/xxx~~ ^{there were} satisfied that the families therein were in indigent circumstances. But with regard to the case in hand we are not at all satisfied that the family is in indigent circumstances. Besides the competent authority ^{this} had come to the opinion that it is not a fit matter where the compassionate appointment could be granted. In view of ^{the} facts and circumstances of the case ~~that the xxx~~ ^{the decision} of the competent first authority in rejecting the claim of the applicant ~~xxx~~ for appointment on compassionate appointment cannot be said to be not valid. For all these reasons the DA is liable to be dismissed and it is accordingly dismissed leaving the parties to bear their own costs.

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(T. CHANDRASEKHAR REDDY)
Member (J)

Dated: 8th November, 1993.
Dictated in Open Court.

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Deputy Registrar (J)

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 8-11-1993

~~ORDER~~/JUDGMENT:

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

in

O.A.No. 968/92

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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