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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A. No. 563/92

Dt. of Decision 16.4.1993

~~T.A. No.~~

M. Prabhakar

Petitioner

Mr. Y. Suryanarayana

Advocate for
the petitioner
(s)

Versus

The Chief Post Master General, Ex. Officio Chairman,
Dak Sadan, Hyderabad and another.

Respondent.

Mr. N. R. Devraj

Advocate for
the Respondent
(s)

CORAM

THE HON'BLE MR. T. CHANDRASEKHARA REDDY : MEMBER (JUDL.)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circuisted to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1, 2, 4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

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M(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.563/92

Date of Order: 16.4.1993

BETWEEN:

M.Prabhakar
A N D

.. Applicant

1. The Chief Post Master-General
and Ex.Officio Chairman,
A.P.Circle, Welfare Committee,
Hyderabad. Dak Sadan,

2. The Superintendent,
Railway Mail Service,
of Posts, Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Channarayana

for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI T.CHANDRASEKHAR

T. C. S. R. S. P.

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Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy , Member(Judl.).

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to provide to the applicant an appointment on compassionate grounds and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this O.A. in brief are as follows:-

2. The father of the applicant is one late Balaiah. He was employed as Mail Man in the Department of Posts. In a departmental enquiry the applicant's father Balaiah was dismissed. He preferred an appeal as against the dismissal order. The appeal ~~or~~ was dismissed. The said Balaiah preferred revision before the competent authority. While the revision was pending the said Balaiah died on 26.11.1986. After the death of Balaiah, the applicant's mother submitted a reminder to the revising authority on 26.11.1987 to pass appropriate orders on the revision petition filed by her late husband Balaiah. The applicant's mother was informed that the revision petition filed by the late Balaiah was dismissed on 10.11.1986. So, the mother of the applicant approached this Tribunal in O.A.648/88 for setting aside the dismissal order passed against her husband and for other consequential benefits. The Tribunal by its order ~~dismissed~~ set aside the orders of the dismissal and also further directed the respondents to pay monetary benefits which would have been payable to the applicant's father during his life time in accordance with rules and regulations. In view of the directions of the

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Tribunal, all the benefits which the said Balaiah was entitled to had been paid to the family of the said late Balaiah. It is the case of the applicant due to the death of the said Balaiah that the family is in distress and indigent circumstances. The applicant who is the son^{of} the said Balaiah had approached the competent authority to provide him an appointment on compassionate grounds. The request of the applicant to the competent authority to appoint him on compassionate grounds did not find favour by the competent authority. So, the applicant^{had} approached the Tribunal for the relief as already indicated above.

4. Counter is filed by the respondents opposing this O.A.

5. We have heard Mr. Nori, Advocate for the applicant and Mr. N.R. Devraj, Standing Counsel for the respondents.

6. During the course of the hearing of this O.A. on 13.4.1993 Mr. N.R. Devraj produced before us the declaration of the applicant which is in the own hand of the applicant with regard to his request for compassionate appointment that had been made before the respondents. The said declaration of the applicant would go to show that the applicant owns and possess a house worth Rs. 2.5 lakhs in Hyderabad City. It is needless to point out that admission is the best piece of evidence. So, from the statement made by the applicant we do not have any doubt to come to the conclusion that the family of the applicant owns and possess a house worth Rs. 2.5 lakhs in Hyderabad City. It is not in dispute that the mother of the applicant including the relief on pension^{is} getting Rs. 900/- p.m. The applicant's mother had also^{been} paid gratuity and CGEIS amount of Rs. 10,533/-, towards encashment of leave Rs. 4,514/-, towards DCRG Rs. 33,990/-. It

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Copy to:-

1. The Chief Post Master General and Ex. Officio Chairman, A.P.Circle, Welfare Committee, A.P.Circle, Dak Sadan, Hyd-001.
2. The Superintendent, Railway Mail Service, 'Z' Division, Deptt. of Posts, Hyderabad.
3. One copy to Sri. Y.Suryanarayana, advocate, 40 MIGH, Housing Board colony, Mehdi patham, Hyd.
4. One copy to Sri. M. N. R.
5. One spare copy.

6- one copy to Library.

Rsm/-

Handwritten signature/initials

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is also brought to our notice that the eldest son of the late Balaiah is employed as a Daftari in the Postal department. But according to Mr. Nori the eldest son of the said Balaiah is in employment from the lifetime of his father is residing separately and there is no help from him to the family. But the fact remains that one of the members in the family is already in Government service. But nevertheless the paramount consideration by the Tribunal in the matter of appointment on compassionate grounds is whether the family is in such indigent and distress circumstances that the family will not be able to survive unless an appointment on compassionate grounds is made. But as already pointed out in view of the fact that the family owns and possesses a house in Hyderabad City worth Rs. 10 lakhs and in view of the retirement ^{death} benefits referred to above which the family got after the death of the said Balaiah and also bearing in mind the fact that one of the sons is in the Government service and that the mother of the applicant is ~~that~~ that the family is in distress and indigent circumstances cannot be accepted. So, the action of the Circle Selection Committee in rejecting the case of the applicant for appointment on compassionate grounds is valid. So we see no merits in this O.A. and this O.A. is dismissed accordingly leaving the parties to bear their own costs.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 16th April, 1993

(Dictated in Open Court)

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Dy. Registrar (Judl.)

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