

IN CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

RP.31/93 in
OA.663/92

date of decision : 26-2-94

Between

V. Rajagopal

: Applicant

and

The Chief Post Master General
Hyderabad

2. Post Master General
Southern Region
Kurnool

3. The Secretary
Department of Posts
New Delhi

: Respondents

Counsel for the applicant : S. Ramakrishna Rao
Advocate

Counsel for the respondents : N.V. Ramana,
SC for Central Government

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

DRS

(32)

RP.31/93 in OA.663/92

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri S. Ramakrishna Rao, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. This RP was filed praying for a review of the order dated 1-4-93 in OA.663/92.

3. The said OA was filed praying for compassionate appointment of the second son of the applicant. The facts which are not in controversy are that the applicant was asked to retire with effect from 17-7-1987 on invalidation grounds by the Superintendent of Postal Stores Department, Guntakal. By then the applicant was working as Postal Assistant.

4. The compassionate appointment to the applicant was denied by alleging that his first son Sri Janardan Rao, is owning Durga Enterprises and fifth son is managing Durga Electronics. Then the applicant filed OA.322/91. The same was disposed by order dated 1-5-1992 by directing the respondents to place the request of the applicant for appointment of his son Sri V. Govindarajulu on compassionate grounds before the Circle Selection Committee for its reconsideration in the light of the observations in the said order. When again the respondents have not given compassionate appointment to Sri Govindarajulu, the OA.663/92 was filed. The same was dismissed by order dated 1-4-1993 b
7.12.81 (Revised) is a hasty type
observing that the very letter dated 27-11-1987 of the
applicant shows that his first son was owning Durga Enterprises
and his fifth son was maintaining Durga Electronics.

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(35)

5. In this RP it was pleaded that even the note dated 23-4-1991 vide 8.7/3-34 (it is filed as material paper) discloses that the first son of the applicant separated from the applicant even before he was retired on invalid pension. Para 10 of the judgement in OA.322/91 is referred to that this Bench already held that the Durga Electronics is owned and held by Sri L. Sathyanarayana Reddy and the fifth son of the applicant is not owning the same.

6. In view of the note dated 23-4-1991 it is to be stated that the first son of the applicant Sri Janardhan separated from the applicant even by the relevant date. Hence, his income cannot be taken into consideration for denying compassionate appointment to the second son of the applicant.

7. In para 11 of the order in OA.322/91 it was stated that when evidence was adduced to show that Durga Electronics is owned and possessed by Sri L. Sathyanarayana Reddy, and when the applicant denied the contention that it is owned by his fifth son Sri V. Subramanyam, the respondents have not placed any evidence to show that Sri V. Subramanyam owned the said shop.

8. As the applicant had not referred to the note dated 23-4-1991 and para 11 of the judgement in OA.322/91 at the time of consideration of this OA and in view of the letter dated 7-12-1987 of the applicant, it was held in the order dated 1-4-1993 that it cannot be stated that the applicant's family had no means to maintain itself.

9. - But now in the letter dated 7-12-1987 of the applicant is explained on the basis of the note dated 23-4-1991 (but the date 27-11-1987 in the order dated 1-4-1993 is a typographical mistake for 7-12-1987).

10. Hence, in view of the note dated 23-4-1991 and para 11 of the order in OA.322/91 it had to be held that ~~error~~

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apparent in record in holding that two of his sons are having business and hence the applicant is not in indigent circumstances.

11. When the income from these two business had to be excluded it had to be concluded that the applicant is in indigent circumstances. Hence, request of the applicant for compassionate appointment of his second son had to be placed before the Circle Selection Committee for its reconsideration. It had to be made clear that the said Circle Selection Committee had to proceed on the basis that the first son of the applicant i.e. Sri Janardhan separated from the applicant by the relevant date and Sri V. Subramanyam, fifth son of the applicant is not owning and possessing Durga Electronics at any time.

12. Order dated 1-4-1993 is modified as under :

The following para in the order dated 1-4-1993 is deleted :

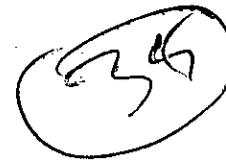
In the absence of factual basis in support of the said contentions, the same cannot be accepted. Thus there are no grounds to hold that the respondents are not correct in holding that the family of the applicant is not in indigent circumstances. Hence the OA is dismissed with no costs.

And it is substituted by the following :

"In view of the consideration of the RP, the following para had to be inserted :

The Circle Selection Committee had to consider the request of the applicant for the appointment of his second son Sri Govindarajulu on compassionate grounds afresh on the basis that his first son Sri Janardhan separated from him even by the relevant date and his fifth son never

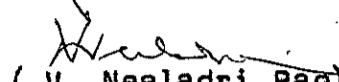


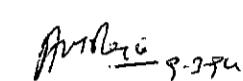
owned and possessed Sri Durga Electronics.

13. The Review Petition is ordered accordingly.

No costs.


(V. Neeladri Rao)
Vice-Chairman

Dated : February 23, 94
Dictated in the Open Court


Deputy Registrar (J) CC.

To

1. The Chief Postmaster General,
Hyderabad.
2. The Postmaster General, Southern Region, Kurnool.
sk
3. The Secretary, Dept.of Posts, New Delhi.
4. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.v.Ramana, ~~Exxex~~ Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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