

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

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R.P.No.43/93

Date of order: 21-8-93

in

O.A.563/92

Between

M.Prabhakar

.. Applicant

and

1. The Chief Postmaster General
and Ex-Officio Chairman AP Postal
Circle Welfare Committee, AP Circle
Dak Sadan, Hyderabad-500 001

2. The Superintendent
Railway Mail Service 'Z' Division
Hyderabad

.. Respondents

Counsel for the Applicant :: Mr Y. Suryanarayana

Counsel for the Respondents :: Mr NR Devraj, Sr.CGSC

CORAM:

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

O R D E R

This Review Petition is filed under Rule 17 of the
Central Administrative Tribunals Procedures Rules to
review our Judgement dated 16.4.93 passed in OA 563/92.

2. The Review Petitioner had filed OA 563/92 to direct
the respondents to provide the applicant an appointment on
compassionate grounds and pass such other order or orders as
may deem fit and proper in the circumstances of the case.

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3. For the reasons mentioned in the judgement, OA 563/92 was dismissed on 16.4.93. As already pointed out, the present RP is filed to review our judgement dated 16.4.93 passed in OA 563/92.

4. We have heard Mr Noori for the review petitioner and Mr NR Devraj, Standing Counsel for the respondents.

5. In our Judgement dated 16.4.93, we had held that the applicant's family owns a house worth Rs. 2.5 lakhs in Hyderabad City. The said finding was given by this Tribunal as the applicant had declared in his application for compassionate appointment that his family possesses a house worth Rs. 2.5 lakhs in Hyderabad City. During the course of hearing of this RP, it was strongly argued by the learned counsel for the applicant that the applicant had not made any such statement and that the application for compassionate appointment was made by the review petitioner and that, somebody to damage his cause had mentioned in that application the knowledge of the applicant that the applicant's family possesses a house worth Rs. 2.5 lakhs in Hyderabad City. This contention need not detain us in deciding this RP. Even taking for arguments sake, that the applicant's family does not possess any house as contended by him, the question is whether the family of the applicant is really in indigent and that it would not be able to survive unless an appointment on compassionate grounds is granted to the applicant. In this aspect, the Bench had observed as follows in the O.A in its Judgement dated 16.4.93.

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".....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 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 Noori, 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....."

— of the Applicant —

So, as one of the family members is already in Government employment / ^ terminal benefits which the family of the applicant got, it is rather difficult to say that the family of the applicant is in indigent circumstances warranting an appointment on compassionate grounds. In view of this position, we see no merits in this RP and hence this RP is dismissed.

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

Dated: 20-8-1993

mvl

Dy. Registrar (Judl.)

Copy to:-

1. The Chief Postmaster General and Ex-Officio Chairman A.P. Postal Circle, Welfare Committee, A.P. Circle, Dak Sadan, Hyderabad-001.
2. The Superintendent, Railway Mail Service 'Z' Division Department of Posts, Hyderabad.
3. One copy to Sri. Y. Suryanarayana, advocate, 40MICH Housin Board colony, Mehdipatnam, Hyd.
4. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

3rd April
Per G. S. T.