

(41)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.155/92

Date of Order: 13.8.1992

BETWEEN:

T.V.S.Bhaskar.

.. Applicant.

A N D

1. The Chief Commissioner,  
of Income-Tax, A.P.  
Aayakar Bhavan, 8th Floor,  
Basheerbagh, Hyderabad.

2. The Secretary,  
Central Board of Direct  
Taxes, North Block,  
New Delhi.

.. Respondents.

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Counsel for the Applicant

.. Mr.G.V.R.S.Vara Prasad

Counsel for the Respondents

.. Mr.N.Bhaskara Rao

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CORAM:

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

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

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T. C. R.

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

The facts giving rise to this OA in brief are as follows:

2. The applicant's father while working as Inspector of Income-Tax died on 30.10.1979 leaving behind him his wife, 3 sons and one daughter. The applicant herein who was eldest among the children of the deceased was aged 11 years at the time of the death of his father. In the month of December, 1979 the applicant's mother made a representation to the competent authority for providing appointment to the applicant on compassionate grounds. After the applicant became a major on 28.7.1986, the applicant's mother approached the Commissioner of Income Tax to provide an appointment to the applicant on compassionate grounds. The repeated representations of the applicant were turned down and so the present OA is filed for the relief as already indicated above.

3. The respondents have filed counter opposing this OA. In the counter they have maintained that there are no valid grounds for appointment of the applicant on compassionate grounds. It is the plea of the respondents that this OA is liable to be dismissed.

4. Today we have heard Mr.G.V.R.S.Varaprasad, Advocate for the applicant and Mr.N.Bhaskara Rao, Standing Counsel for the respondents.

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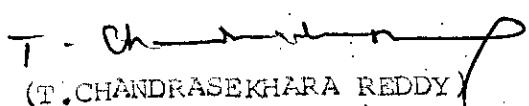
5. In the OA it is pleaded that towards death-~~cum~~-retirement benefits that the mother of the applicant had received an amount up to 35 thousand. It is also pleaded in the OA that the applicants family owns a house at Rajahmundry having 5 portions out of which ~~an~~ one portion of the house that the applicant's family is residing and that the remaining four portions are let out on rent.

6. In the counter filed by the respondents it is specifically pleaded that the applicant's father left behind a house in Rajahmundry having five portions out of which one portion is in occupation of the applicant and his family and the remaining four portions are let out for rent. To give any assistance to the family of the deceased by way of compassionate appointment, the Tribunal must be satisfied that the family is in distress and indigent circumstances and unless an appointment is provided on compassionate grounds that the family of the deceased will not survive. It is with this background, that this OA is to be decided. According to the applicant, the rented portions of the building is fetching Rs. 400/rent. Admittedly the mother of the applicant is receiving the pension of Rs.370/- and relief thereon. So the total pension of the applicant receiving works out to more than Rs.700/-. As the applicant's family got a house and the family is receiving pension more than Rs.700/- besides a monthly rent of four hundred as aforesaid, it is difficult to say that the family of the deceased is in distress and indigent circumstances. In view of this position it cannot be said that the opinion taken by the Circle Selection Committee in not providing appointment to the applicant on compassionate grounds is not valid.

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Hence we see no merits in this OA and  
dismiss the OA, leaving the parties to bear their own  
costs.

  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 13th August, 1992

(Dictated in the Open Court)

  
Deputy Registrar (J)

To

1. The Chief Commissioner, of Income Tax,  
A.P. Aayakar Bhavan, 8th Floor,  
Basheerbagh, Hyderabad.
2. The Secretary, Central Board of Direct Taxes,  
North Block, New Delhi.
3. One copy to Mr. U.V.R.S. Vara Prasad, Advocate  
~~113/RT~~ 113/3RT, Vijayanagar Colony, Hyderabad.
4. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
5. One spare copy.

  
pvm.