

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.205/92

Date of Order: 25.9.1992

BETWEEN:

M.Srinivas

.. Applicant.

A N D

1. The Secretary, Ministry of Communication, Dept. of Posts, Dak Bhavan, New Delhi - 110 001.
2. The Chief Postmaster General, Andhra Circle, Hyderabad-1.
3. The Director of Postal Services, C/o. Post Master General, Andhra Circle, Hyderabad.
4. The Supdt. of RMS 'Z' Division, Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.S.D.Kulkarni

Counsel for the Respondents

.. Mr.V.Rajeswara Rao
for
Mr.N.V.Ramana

CORAM:

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

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

T.C.R

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to consider appointment of the ~~applicant~~ on compassionate grounds under relaxation of recruitment rules in Group 'D' post 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:

One Purushotham was working as Head Mail Guard, RMS, 'Z' Division, Hyderabad. He died of heart attack while in service. He seems to have met with heart attack while undergoing treatment in the Gandhi Hospital, Secunderabad. The said Purushotham at the time of his death ~~had~~ left behind him, the applicant herein who is the sole son and his wife by name Sarada Devi. The said Purushotham ~~had~~ also ^a married daughter. The applicant was aged about 16 years at the time of death of his father. The said Purushotham had put in 27 years of service in the Postal Department, Hyderabad. After the death of the said Purushotham, a representation was made to the respondents to provide an appointment to the applicant herein on compassionate grounds. The Circle Selection Committee had rejected the representation made for providing an appointment to the applicant on compassionate grounds and so, the present OA is filed for the relief as indicated above.

In the counter filed by the respondents to the OA, it is maintained that a sum of Rs.32,798/- was paid after the death of the said Purushotham towards DCRG, etc. to the said M. Sarada Devi wife of late Sri Purushotham, and that the widow is being paid now

a total pension of Rs.800/- per month. So, it is contended on behalf of the respondents that this is not a fit case to provide an appointment to the applicant on compassionate grounds.

During the course of hearing of this OA Mr V. Rajeswara Rao for Mr NV Ramana produced before us the proceedings of Circle Selection Committee and the grounds mentioned therein for rejecting the representation of the applicant for appointment on compassionate grounds. The following are the grounds for refusing the applicant an appointment on compassionate grounds.

1. The official died on 3.3.1986.
2. He left behind his wife and one son aged 19 years and a married daughter.
3. There are no minor children to be brought up or daughters to be married.
4. Assets are shown above.
5. There do not seem to be indigent circumstance

The Assets as shown in the proceedings are mentioned as Rs.59.740/-.

It is the contention of Mr Kulkarni, for the applicant that the said Purushotham was suffering from Heart complaint and that, the family had incurred debts for treatment of the Purushotham and the major portion of the pensionary benefits had gone towards the discharge of the debts that had been incurred for providing treatment to the said Purushotham. The records disclose that the applicant prior to his death had been on medical leave. It is not seriously disputed that the said Purushotham was suffering from Heart complaint prior to his death. So, in view of the seriousness of the disease from which, the applicant had been

had been suffering from (heart complaint), it is quite possible that considerable amount/amounts would have been spent for the treatment of the disease (heart complaint) from which the said Purushotham was suffering. So, we are in agreement with the learned counsel for the applicant that the major portions of the amount which the widow of the said Purushotham (Sarada Devi) had received, might have gone for discharge of the debts which might have been incurred for treatment of the said Purushotham when he was alive. It is possible that the said Sarada Devi might have been left with the small amount or might not have been left with any amount from out of the pensionary benefits.

We have already indicated that as on today, that the said Sarada Devi is receiving a sum of Rs.800/- in all (including relief) towards pensionary benefits. After 7 years from 3.3.1986 in view of the pension rules and regulations, she will be entitled only to receive half of the said amount. So, from the year 1993 onwards, the benefits which she (sarada Devi) would be receiving will be only Rs.400/-.

The proceedings of the Circle Selection Committee do not show that the family of the said Purushotham possesses any immovable properties either in Hyderabad or elsewhere. With the meagre pension the said Sarada Devi is to get from the year 1993 onwards, very it may be/difficult for her to make a living in Hyderabad City. During the course of hearing of this we are informed that the said Sarada Devi along with the applicant is living in a small portion of a house which is taken for rent. So, no substantial portion ~~east~~ of

To

1. The Secretary, Ministry of Communication,
Dept. of Posts, Dak Bhavan, New Delhi-1.
2. The Chief Postmaster General,
Andhra Circle, Hyderabad-1.
3. The Director of Postal Services,
O/o Post Master General,
Andhra Circle, Hyderabad.
4. The Superintendent of RMS 'Z' Division,
Hyderabad.
5. One copy to Mr.S.D.Kulkarni, Advocate, Neelrekha, 99,
Postal Colony, Trimulgherry, Secunderabad.
6. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
7. One spare copy.

pvm.

6th Oct
Post 9/

out of the pension would be naturally ~~be~~ spent towards house rent. So, after the payment of the house rent from the year 1993 onwards, practically, the said Sarada Devi might be left with a meagre amount of Rs.200/- only as she will be required atleast a minimum of Rs.200/- to spend towards shelter in Hyderabad in a ~~in~~ rented house. So, in view of this position, we do not have any difficulty to come to the conclusion that the family is ⁱⁿ indigent and distress circumstances and unless the family is provided an appointment by way of assistance, that the said Sarada Devi widow of the said Purushotham had to face serious difficulties to have a living. Hence, we feel that it would be fit and proper to direct the respondents to provide an appointment to the applicant herein on compassionate grounds in Group 'D' post. We are informed that the applicant has passed intermediate examination and has ~~the~~ required qualification for appointment to Group 'D' post. The applicant seems to have been aged about 22 years as on ~~now~~ ^{two days}. Hence, we direct the respondents to provide an appointment to the applicant as and when vacancies arise in the Group 'D' post, in the quota of compassionate appointments preferably before the applicant completes his 25 years of age. If for any reason, the respondents are not able to provide an appointment to the applicant before he completes the age of 25 years, we direct the respondents to relax the age and provide the said appointment to the applicant.

With the above said directions, the OA is allowed, leaving the parties to bear their own costs.

T-Chandrasekharan
(T.CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 25th September, 1992

(Dictated in the Open Court)

82/107
Deputy Registrar

6
TYPED BY

COMPARED BY

CHECKED BY

R.M.
15/10

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 25-9-1992 ✓

ORDER/JUDGMENT:

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

in

O.A. No.

205/92. ✓

T.A. No.

(wp. No)

Admitted and interim directions
issued.

Allowed ✓

Disposed of with directions

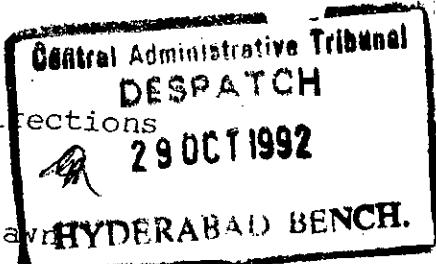
Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.



pvm