

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

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ORIGINAL APPLICATION NO.273/92 and MA 216/93

DATE OF JUDGEMENT: 11-3-1993

Between

P.Chiranjeevi .. Applicant

and

1. The Chief Postmaster General  
AP Circle, Hyderabad

2. The Senior Superintendent of  
Post Offices  
Prakasam District  
Ongole

.. Respondents

Counsel for the Applicant

:: Mr K.Ananda Rao for  
Mr B.Nageswara Rao

Counsel for the Respondents

:: Mr NV Ramana

CORAM:

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

J U D G E M E N T

OA 273/92 is filed by the applicant herein, under Section 19 of the Central Administrative Tribunals Act, to direct the respondents to provide the applicant the post of Postal Assistant or any other suitable post commensurate with his educational qualifications and pass such other orders as may deem fit and proper in the circumstances of the case.

2. <sup>u</sup>~~The~~ OA 273/92 was listed for final hearing on 20.1.93. None were present on behalf of the applicant on that day. There was no representation on behalf of the applicant. So, the OA was dismissed for default with no orders as to costs, after hearing Mr NV Ramana, Standing Counsel for the respondents.

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3. MA 216/93 is filed by the applicant in OA 273/92, to set aside the dismissal order dated 20.1.93 and restore the OA to file. We are satisfied that sufficient cause is made out for non-appearance of the counsel for the applicant when the OA was taken up for hearing on 20.1.93. So, we set aside the dismissal order dated 20.1.93 in OA 273/92 and restore the OA to file.

for Mr B.Nageswara Rao

4. We have heard today in the OA, Mr Ananda Rao, /Counsel Standing for the applicant, and Mr Rajeswara Rao for Mr NV Ramana, /Counsel for the respondents.

5. The facts giving rise to OA 273/92 in brief, may be stated as follows:

6. The applicant herein is the son of one Sri P.Veerasamy who was recruited as Postal Assistant in the Postal Department on 4.6.67. He was posted to work as Sub-Postmaster in Nagulappalapadu in Prakasam District. The said Sri Veerasamy expired on 22.12.90, while he was in service. At the time of his death, the said Veerasamy left behind him, his wife (Smt P.Vijayalakshmi) two sons and one daughter. The wife of the deceased employee put in a representation to the postal authorities to appoint her son Sri P.Chiranjeevi (the applicant herein) as Postal Assistant in the Department on compassionate grounds. The Circle Selection Committee examined the case of the applicant and rejected the case of the applicant for appointment on compassionate ground. Hence, the present OA is filed for the relief(s) as already indicated above.

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7. Counter is filed by the respondents opposing this OA.

8. In the counter filed by the respondents, it is maintained that the family of the deceased had received an amount of Rs.1,24,111/- as Terminal Benefits <sup>✓ and the same</sup> ~~which~~ is not in dispute in this OA. Besides that, the said Smt P.Vijayalakshmi is paid a regular family pension of Rs.820 per month and relief thereon <sup>✓ which</sup> is also not in dispute in this OA. Hence, the total pension paid to the said Smt Vijayalakshmi, the wife of the deceased employee together with relief comes to more than Rs.1400/- p.m. Admittedly, the applicant and his family is residing in a village in prakasam district. It is needless to point out that cost of living in the villages is far lesser than in towns. So bearing in mind the fact that Rs.1,24,111/- was paid to the family of the deceased towards terminal benefits and the ~~mother~~ <sup>is</sup> mother of the applicant receiving Rs.820 + relief that works out to approximately Rs.1400/- p.m., by any stretch of imagination, it cannot be said that the family of the deceased is in indigent and distress circumstances and without an appointment on compassionate grounds that the family of the deceased would not be able to get on.

9. The respondents have also maintained in their counter that there is a ban on recruitment in the Departments of Central Govt. particularly in the Department of posts and that only posts which fall vacant on account of either retirement or death are filled up and the ~~number~~ <sup>number</sup> of vacancies falling vacant each year is far and few and

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P. J. S.

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Copy to:-

1. The Chief Postmaster General, A.P.Circle, Hyderabad.
2. The Senior Superintendent of Post Offices, Prakasam Dist., Ongole.
3. One copy to Sri. M.Nageswara Rao, advocate, 6-3-595/50, Padmavathinagar colony, Khairtabad, Hyd-004.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-

PSJ [Signature]  
4/12/83

even out of them, the extent to which compassionate appointments can be made is very much restricted in as much as, out of total vacancies, 50% are to be set apart for the Departmental promotion quota and out of the remaining 50% to be filled up by the cases of preferential and compassionate appointments which puts a constraint in filling of the vacancies exclusively on compassionate grounds.

10. So, in view of the constraints which the Department is facing in providing compassionate appointments, and, in view of the terminal benefits which the family of the deceased got due to the death of the employee, and the family pension which the widow of the deceased employee is getting, it cannot be said that the decision of the Circle Selection Committee in rejecting the claim of the applicant for appointment on compassionate ground is, in any way not valid.

11. The learned counsel appearing for the applicant relied on the decisions reported in AIR 1989 SC 1976 Sushma Gosain Vs Union of India and AIR 1991 SC 469 Smt Phoolwati Vs Union of India. IN AIR 1991 SC 469 Phoolwati's case, the terminal benefits were paid only upto the tune of Rs.23,000/- and the monthly pension which the dependent got was only Rs.350/- p.m. But, as already indicated the facts of this case are entirely different. Sushma Gosain's case also has no application to the facts of this case. Hence, the said judgements are not applicable to the facts of this case.

12. In the result, we see no merits in this OA and hence this OA is liable to be dismissed and is accordingly dismissed leaving the parties to bear their own costs.

(T.CHANDRASEKHARA REDDY)  
Member(Judl.)

Dated: The 11<sup>th</sup> of March, 1993

mvl

829/3/93  
Dy. Registrar (Judl.)

contd... st-

O.A. 273/92

TYPED BY  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CHECKED BY  
HYDERABAD BENCH  
HYDERABAD

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

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

AND

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

AND

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

Dated: 11/3/1993

ORDER/JUDGMENT:

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

in

O.A. No.

273/92

T.A. No.

(W.P. No.)

Admitted and Interim directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

Central Administrative Tribunal  
DESPATCH  
- 2 APR 1993  
HYDERABAD BENCH.

29/3/93