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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.315/92

Date of Order: 8.2.1993

BETWEEN:

P.Jagadeshwara Rao

.. Applicant.

A N D

1. The Post Master General,
A.P. Circle, Hyderabad.
2. The Senior Supdt. of Post
Offices, Guntur Division,
Guntur.
3. The Additional Post Master
General, Vijayawada.

.. Respondents.

Counsel for the Applicant

.. Mr.S.V.Subba Rao

Counsel for the Respondents

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

CORAM:

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

--- T. Chandrasekhara Reddy

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

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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 in the existing vacancies of Group 'D'
cadre for the post of postman on compassionate grounds and to
pass such other order or orders as may deem fit and proper in
the circumstances of the case.

One Sri Peda Ayyara Rao while working as post Man at
Pedanandi Padu of Guntur District, died on 18-8-1984.
The said peda Ayyara Rao was aged about 53 years at the time
of his death. But for his death the said Peda Ayyara Rao
would have continued in service for 5 more years. The said
Peda Ayyara Rao at the time of his death left behind him 3
daughters, the applicant herein and his widow. Out of 3
daughters one of the daughter of the said Peda Ayyara Rao
is said to have married, while the other two daughters aged
about 10 and 12 years respectively at the time of the death
of the said Peda Ayyara Rao are still unmarried. After the
death of Peda Ayyara Rao the mother of the applicant herein
put in a representation to appoint her son in any Group 'D'
post on compassionate grounds. The Post Master General, A.P.
Circle, Hyderabad as per his proceedings No.WLF/1-26/44/86
dated 29-12-1989 addressed to the Superintendent of Post
Offices, Guntur asked to ascertain and intimate whether the
widow is willing to join in Group 'D' post on compassionate
grounds. The proceedings were communicated by the Supdt. of
Post Offices, Guntur to the widow of the said Peda Ayyara Rao.
The widow of Peda Ayyara Rao informed the competent authorities
that she was aged about 45 years that she knew only to sign
and that she was not maintaining good health and so she was
not in a position to accept any government job and so, requested
the competent authority to provide an appointment to her

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eldest son (applicant herein). In the said information given by the widow of the said Peda Ayyara Rao, she had also made it clear that two of her daughters were unmarried. The said information by the widow of the said Peda Ayyara Rao declining the offer of appointment is dated 24-4-1990. Subsequently as per the proceedings dated 12-7-1990 the second respondent informed that the case of the applicant for the post of Group 'D' on compassionate grounds was rejected by the Circle Selection Committee. Aggrieved by the said proceedings the present O.A. is filed by the applicant for the relief as already indicated above.

Counter is filed by the respondents opposing this O.A. In the counter of the respondents it is maintained that the applicant herein was adopted by one Sri. P. Punnaiah, who is EDMC/DA, Anaparru Branch Office, Pedanandipadu Sub-Office and that the applicant was living with him. The said punnaiah is said to be the younger brother of the said Peda Ayyara Rao (father of the applicant herein). The Circle Selection Committee came to the opinion that the applicant herein is the adopted son of the said Punnaiah. The Circle Selection Committee had also come to the conclusion that the widow of the said Peda Ayyara Rao was not in distress and indigent circumstances due to the family pension of Rs. 720/- which she has receiving per month and as the family had 80 cents of dry land at Rajupalem, in Ongole District. So, it is the plea of the respondents that this is not a fit case to provide any appointment to the applicant on compassionate grounds.

We have heard Mr. S.V. Subba Rao, Advocate for the applicant and Mr. V. Rajeswara Rao for Mr. N.V. Ramana, Standing Counsel for the respondents.

Admittedly the widow of the said Peda Ayyara Rao had been offered an appointment on compassionate grounds as could be seen from the proceedings of the Post Master

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General, A.P.Circle, Hyderabad communicated by the Superintendent of Post Offices ~~into~~ to which a reference is already made. Any how the widow of the said Peda Ayyara Rao had declined the said offer of appointment as per her reply dated 24-4-1990 to which also a reference is made.

There is absolutely no material to show that the applicant herein is the adopted son of the said P.Punnaiah. There is also no material to show that the applicant had severed all his connections with the natural family. As a matter of fact Mr.S.V.Subba Rao, Advocate for the applicant filed original Transfer Certificate of the Head Master of Zilla Parishad High School, Andhra Pradesh dated 20-7-1977 wherein the applicant had formerly studied and is described as the son of the said Peda Ayyara Rao. Absolutely no material is placed by the respondents to show that the applicant had been adopted as already pointed out by the said Punnaiah who is working as EDMC. So, for all purposes it had got to be treated that the applicant herein continues to be a member of the family of the deceased postal servant, Peda Ayyara Rao. so, as the claim of the applicant for consideration for appointment is also rejected on the ground that the applicant is the adopted son of the said P.Punnaiah, it has become necessary to set aside the impugned order dt.12-7-1990 (informing, that the case of the applicant for appointment on compassionate grounds was rejected by the Circle & Selection Committee) and give a direction to the respondents to consider the claim of the applicant for appointment on compassionate grounds treating him as a member of the family of the deceased Peda Ayyara Rao.

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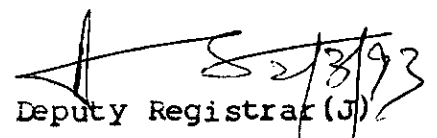
Hence the respondents are directed to consider the applicant for appointment on compassionate grounds to any Group 'D' post not only treating him as the family member of the said Peda Ayyara Rao, but also taking into consideration all the circumstances in which the family is placed and take a suitable decision. This order shall be implemented within 4 months from the date of the receipt of same.

O.A. is allowed accordingly. The parties shall bear their own costs.

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

Dated: 8th February, 1993

(Dictated in Open Court)


Deputy Registrar(J)

To

1. The Post Master General, A.P.Circle,
Hyderabad.
2. The Senior Superintendent of Post Offices,
Guntur Division, Guntur.
3. The Additional Post Master General, Vijayawada.
4. One copy to Mr.S.V.Subba Rao, Advocate.Flat-201,
Blossoms Apartments, Nallakunta, Hyderabad.
5. One copy to Mr.N.V.Ramana, Addl.OGSC.CAT.Hyd.
6. One spare copy.

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COMPALED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.V.NEELADRI RAO :V.C.

AND

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

AND

THE HON'BLE MR.CHANDRA SEKHAR REDDY
:MEMBER(J)

AND

THE HON'BLE MR.

DATED: 8 - 2 - 1993

~~ORDER~~ JUDGMENT:

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

in

A.A.No. 315/92.

T.A.No.

(W.P.No.

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

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Central Administrative Tribunal

DESPATCH

8 MAR 1993

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