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CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

O.A No. 550/92

Date of Decision: 22-10-92

T.A.No.

Chillapalli Satyam,

Petitioner.

Sri S.Surya Prakash Rao,

Advocate for
the Petitioner(s)

Versus

Union of India rep. by the Post Master General, Respondent.
Andhra Circle, Vijayawada Division, Vijayawada & another

Sri N.R.Devraj, Sr.CGSC,

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. A.B.GURTHI : MEMBER (A)

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

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters or not ?
3. whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on Columns 1,2,4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

(HABG)
M(A)

(HQR)
M(J)

3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A.550/92.

Dt. of Order:22-10-92.

Chillapalli Satyam

....Applicant

Vs.

1. Union of India rep. by the Post Master General, Andhra Circle, Vijayawada Division, Vijayawada.
2. Superintendent of Post Offices, Narasaraopet Division, Narasaraopet, Guntur District-522602.

....Respondents

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Counsel for the Applicant : Shri S.Surya Prakash Rao

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC

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CORAM:

THE HON'BLE SHRI A.B.GORTHY : MEMBER (A)

THE HON'BLE SHRI C.J.RDY : MEMBER (J)

(Order of the Division Bench passed by Hon'ble Sri A.B.Gorthi, Member (A)).

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The applicant, who is the son of a retired postman, aggrieved by the Respondents' decision to reject his request for appointment in the Department on compassionate grounds has filed this application praying that a direction be given to the Respondents to consider his case for appointment in any of the Group 'D' posts in the postal department.

2. The applicant's father, who was due to retire from service on 1-7-88 had to seek early retirement on medical grounds. He was invalidated from service with effect from

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31-5-85. On that date the applicant was a minor, his date of birth being 6-7-70. As soon as he attained majority in 1988, he approached the Superintendent of Post Offices with a request for appointment on compassionate grounds. He enclosed a copy of his Matriculation certificate along with his application dt. 29-12-88. Having not heard anything favourable from the Respondents, the applicant again addressed a letter to the same authority on 20-3-89; in reply there to he was informed that there was no vacancy at that time and that his case would be considered as and when a vacancy arose. Subsequently vide memo dt. 8-11-89 the applicant was asked to furnish certain certificates as regards his marital status, family assets and whether ^{he} was willing to work in any other region/division. The applicant promptly furnished all the information required but the Respondents took their own time and informed him vide memo dt. 2-4-90 that the applicant's case was considered by Circle Selection Committee and was rejected. Aggrieved by the same he approached the post Master General for relief which was however denied to him vide memo dt. 10-4-91.

3. We have heard learned counsel for both the parties. Opposing the very admission of this application, Sri N.R.Devraj, learned Senior Central Government Standing Counsel took the plea that the application is barred by limitation. Although the applicant's request was turned down in 2-4-90, he filed this application almost after two years i.e. on 20-4-92. Explaining the delay ^{through M.A.1059/92} Sri S.Suryaprakash Rao, learned counsel for the applicant urged before us that the applicant felt aggrieved

by the rejection of his request by the Superintendent of Post Offices, on which again a representation was made to the Post Master General, which was turned down by the impugned order. It is not a case where the applicant was sitting idle in the matter. On receiving a final reply of the rejection of his representation addressed to the Post Master General, he came to the Tribunal. From the material on records, we find that the applicant, when he was aged 18 years, had immediately approached the appropriate authority with a request for his appointment on compassionate grounds. The Respondents themselves took about two years to decide the matter. The delay if any, in approaching the Tribunal, seems to us to merit condonation. We accordingly condone the delay and examine the case on merits.

4. The applicant's case may simply be stated that he is responsible to look after his parents and to take care of the medical needs of his father, who is a diabetic patient with failing eye-sight. Although from the impugned order of the Respondents nothing can be made out as to why the applicant's case was rejected, from the arguments submitted by the learned senior standing counsel, it seems that the applicant's case was rejected for the reason that there was no such urgency in the matter. Moreover when the applicant's father retired in 1985, he was above 55 years and as per the instructions then in vogue there was no question of granting any compassionate appointment to any of the wards of such an employee. There

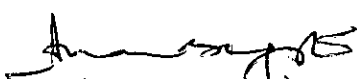
does not seem to be any dispute that in the year 1988, when the applicant became major and applied for appointment on compassionate grounds, the rule position had changed and accordingly an employee who retired on medical grounds even after reaching the age of 55, can ask for compassionate appointment for any of his wards. In these circumstances, we find that the applicant's case could not have been rejected on this technical ground alone. As regards the financial status of the applicant's family, apart from the pension that was given to the father there was no other income. Apparently no one in the applicant's family possessed any immovable property. It cannot therefore be said with any certainty that the applicant's financial situation is such that he did not deserve appointment on compassionate grounds.


4. It is settled law that administrative orders even in cases of this nature should be in the shape of reasoned orders. The purpose of giving reasons in such orders is none other than that the decision was taken neither arbitrarily nor out of caprice but that it was arrived at after taking into consideration all the relevant and material facts.

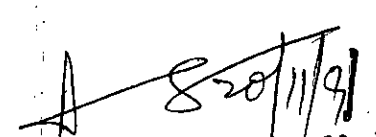
5. In view of what is said above, we are of the considered view that the applicant's case deserves to be considered on merits. We accordingly direct the Respondents to subject the case of the applicant to a fresh consideration by the appropriate committee, which shall take into consideration all the facts of the case. The decision of the committee,

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should it be adverse to the applicant, will be communicated to the applicant together with reasons. The Respondents shall comply with this order within three months from the date of communication of this order. This/ ^{original} application as also M.A.1059/92 are/ ^{thus} allowed at the admission stage itself in the above terms. There shall be no order as to costs.


(A.B. GORTNI)
Member (A)


(C.J. ROY)
Member (J)


Dated: 22nd October, 1992. Dy. Registrar (Judl.)
Dictated in the Open Court.

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Copy to:-

1. Post Master General, Andhra Circle, Union of India, Vijayawada Division, Vijayawada.
2. Superintendent of Post Offices, Narasaraopet Division, Narasaraopet, Guntur District-602.
3. One copy to Sri. S.Surya Prakash Rao, advocate, 1-9-485/15/B Lalitnagar, Vidyanagar, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-

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