

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.594/92

DATE OF JUDGEMENT: 29 JANUARY, 1993

Between

Smt L.Varalakshmi

.. Applicant

and

- 1.Senior Superintendent of Post Offices
East Godavari District Division
Rajahmundry
2. The Chief Post Master General, A.D.Circle,Hyderabad-1.
3. The Director General, Posts and Telegraphs,
Govt.of India, New Delhi.

.. Respondents.

Counsel for the Applicant: Mr.P.Subba Rao

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

CORAM:

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

JUDGEMENT

This is an application filed under Section 19 of the Central Administrative Tribunals Act, to direct the respondents to consider the case of _____ for _____ compassionate appointment of the _____ son in the department of the respondents and to 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 Sri L.Lakshminarasimha Raju was working as Selection Grade Postman in the Ramachandrapuram Head Post Office in East Godavari District. The said Lakshminarasimha Raju died on 3.6.87 while he was in service. The applicant herein is the widow of Late Lakshminarasimha Raju. The applicant through the Late Lakshminarasimha Raju is blessed with two sons and two daughters who are in the age range of 24 - 34 years. According to the applicant, out of the 4 children, one daughter and one son are married and they are living separately and

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one daughter and one son ~~are~~ left ~~over~~ with the applicant

There is no source of income to maintain the family of the applicant. The applicant made a representation to the respondents to provide a suitable job to her second son by name Sri L. Srinivasa Raju aged about 21 years in 1987 ~~was~~. ~~after the death of applicant's husband. Her second son~~ had passed matric examination and possessed knowledge in typewriting. The applicant was informed vide letter dated 19.5.89 of the respondents that the representation of the applicant to consider the claim of the applicant's son Mr L. Srinivasa Raju was rejected. So, the present application is filed by the applicant for the relief as indicated above.

Counter is filed by the respondents to this OA.

We have heard Mr P. Subba Rao, counsel for the applicant and Mr V. Rajeswara Rao, for Mr NV Raman, Standing Counsel for the respondents.

Compassionate appointments are made if the family of the deceased is in distress ^{and} having regard to the number of dependents and assets and liabilities left by the deceased government servant. It is not in dispute that of the two sons of the applicant, her eldest son who is married, is employed in the ONGC and is drawing a salary of Rs. 1435/- per month.

Even though it is pleaded ^{in the OA} that out of the two daughters only one daughter is married, a perusal of the file discloses that the applicant had stated before the Mandal Revenue Officer, Ramachandrapuram on 28.6.87 in connection with the enquiry that was made for appointment on compassionate grounds that her two daughters are married. So, in view of the statement made by the applicant before the said MRO that her two daughters are married, we do not have any doubt to come to the conclusion that both the daughters of the applicant are married. The fact that ^{both} the daughters of the

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applicant are married is also corroborated by the fact in the family particulars furnished by the applicant wherein she has stated that her family consists of only herself and her two sons. So, unless the two daughters ^{are} married, there was no need for the applicant to state in the family particulars that the family consists of herself and her two sons.

As ~~xxxx~~ already pointed out, the eldest son of the applicant is employed in ONGC and is drawing a ~~xxx~~ salary of Rs.1435/- is not in dispute in this OA. So, it's quite evident that the eldest son of the applicant is in Government job. But the contention of the learned counsel for the applicant is, that the eldest son is living separately from the applicant and that, he is married and hence, he is of no assistance to the family and so, the circumstances volunteer the appointment of the applicant's second son on compassionate grounds, and unless the ~~xxxx~~ second son is provided an appointment on compassionate ground that the family of the applicant would not be able to survive. So, it has got to be seen with the material available before this Tribunal, whether the family of the applicant is in such indigent circumstances, so as to volunteer appointment of the applicant's second son on compassionate ground. we may point out that only there are two members in the family of the applicant, they being no other than the applicant herself and her second son. In the proforma regarding particulars of dependents' employment, as against the column with regard to liability, the applicant has stated a gold loan from the State Bank of India, Ramachandrapuram for Rs.2500/- ^{had been obtained} It is not in dispute towards death benefits of her husband, the applicant had been paid a sum of Rs.58,8

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Naturally, the applicant should ^{have} been left with a sum of Rs.50,000/- which she received as DCRG ^{and other} benefits after the death of her husband. Besides ^{the} the applicant is receiving a monthly pension of Rs.535/- ^{including relief thereon} including the relief, the applicant should be receiving not less than Rs.900/- per month towards pension. ~~As~~ So, as the applicant is left with a sum of Rs.50,000/- with her ^{death} being the ^{benefits} of her husband that was received from the respondents, and as she is also receiving a sum of Rs.900/- pm towards pension and as her family consists of only the applicant and her son, it is rather difficult to say that the family is in indigent circumstances, or in distress. Keeping all the facts in mind, the Circle Selection Committee had rightly rejected the representation of the applicant for consideration of compassionate appointment to her second son. So, we are of the view that the opinion of the circle selection committee in rejecting the applicant's case for compassionate appointment is valid and justified.

The learned counsel appearing for the applicant relied on two judgements of this Tribunal reported in All India Services Law Journal 1992(3) CAT 283 KR Indira Devi and others Vs Superintendent of Post Offices, and 1992(3) CAT 289 Smt Rajeshwari Vs Controller of Accounts and contended that on the basis of the said judgements that it would be fit and proper to direct the respondents to consider the case of the applicant's second son ^{for} for appointment on compassionate grounds. The said judgements are not applicable to the facts of this case. The respondents have considered the case of the applicant's second son and as already pointed out, have rightly rejected the claim. So, no purpose would be served by giving the respondents a direction to consider once again the case of the applicant's second son for appointment on compassionate grounds as the consideration for the second time cannot be

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for the first time
different from ~~the~~ consideration. In view of the facts
and circumstances of the case, we see no merits in this
OA and 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: 29-1-93

8/10/2/93
Deputy Registrar(J)

mvl

To

1. The Senior Superintendent of Post Offices,
East Godavari Dist.Division,
Rajahmundry.
2. One copy to Mr.P.Subba Rao, Advocate,
4-1-198, Hanuman Tekdi, Hyderabad.
3. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
4. One spare copy.
5. The Chief Post Master General, A.P.Circle, Hyderabad-1.
6. The Director General, Posts and Telegraphs, Govt.of India, Newdelh

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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. P. BALASUBRAMANIAN :M(A)

AND

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

AND

~~THE HON'BLE MR.~~

DATED: 29-1-1993

~~ORDER/JUDGMENT:~~

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

in

A.No. 594/92

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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