

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A. NO. 663/92

Dt. of Decision 1-4-93.

T.A. NO. -

Shri V. Rajagopal

Petitioner

Shri S. Ramakrishna Rao.

Advocate for
the petitioner
(s)

Versus

The Chief Postmaster-General, Hyd. Respondent.

Shri N.V. Ramana

Advocate for
the Respondent
(s)

CORAM

THE HON'BLE MR. Justice V. Neeladri Rao, Vice-Chairman

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
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.)

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VC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

HYDERABAD

OA 663/92

Date of judgement: 1-4-93.

Between

v. Rajagopal : Applicant

And

1. The Chief Postmaster General,
A.P. Circle, Hyderabad.

2. The Postmaster-General,
Southern Region,
Kurnool.

3. The Secretary,
Department of Posts,
New Delhi. : Respondents

COUNSEL FOR THE APPLICANT : Shri S. Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS : Shri N.V. Ramana

CORAM

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman.

(Judgement of Single bench delivered by Justice
Shri V. Neeladri Rao, Vice-Chairman)

Heard Shri S. Ramakrishna Rao, learned counsel
for the applicant and also Shri N.V. Ramana, learned
counsel for the respondents.

The applicant was ^{working} as Postal Assistant.

When he was working in that capacity in PSD, Guntakal
had he become incapacitated for service on account of loss
of sight. The Supdt., Postal Stores Depot, Guntakal
ordered retirement of the applicant on invalidation
with effect from 17-7-87. In the normal course,
the applicant would have retired on 31-12-1990.

As per OM No. 14014/6/86-Estt.(D) dated 30-6-87, appointment on compassionate grounds to son/daughter/near relative of deceased Government servant or Govt. servant who has retired on medical grounds has to be provided if the said family is in indigent conditions. The applicant applied for a post to his son Shri Govindarajulu by alleging that he is in indigent circumstances. The respondents have not provided any job to the son of the applicant by observing that the applicant's family is not in indigent circumstances for the applicant received ^{and he} terminal benefits/is having a house and one of his sons is running business in the name of Durga Enterprises and another son is running a shop in the name ~~of~~ of Durga Electricals. This OA is filed praying for a direction to the respondents to provide ~~employment~~ to Shri Govindarajulu, son of the applicant by stating that the plea of the respondents that his family is not in indigent circumstances is not correct. In the counter it was specifically pleaded that the applicant has given a letter dated 7-12-87 addressed to the Supdt., Postal Stores Depot, Guntakal by way of reply to the letter dated 27-11-87 wherein he stated that a shop namely Durga Enterprises is existing in the name of his first son Shri Janardhan and the shop Durga Electricals is being maintained by his 5th son Shri V. Subramanyam. But in the rejoinder which was filed on 29-3-93 it was categorically stated that the applicant has not given such a letter. Shri N.V. Ramana learned Standing counsel for the respondents produced the letter dated 7-12-87 addressed by the applicant to the Supdt., PSD, Guntakal. The learned counsel for the applicant perused the said letter and on instructions from Shri Govindarajulu, son of the applicant submitted that the signature on the said

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letter is that of the applicant. But it is urged that some one from the Postal Department obtained the signature of the applicant on the said letter dated 7-12-87 after getting it typed elsewhere. It was not so pleaded even in the rejoinder. Hence there is no factual basis for the said contention. Even the zerox copies of the certificate issued by the Inspector, Central Excise was enclosed to the said letter, dated 7-12-87. The learned counsel for the applicant admitted that the photo on the said certificate is that of Shri Janardhan, the first son of the applicant. Then the learned counsel for the applicant again submitted that Shri Janardhan was having business in the name of Durga Enterprises at one time and it was closed in 1988. It was not even pleaded to that effect in the rejoinder. Of course, the applicant also pleaded that with the amount realised by the sale of the house, the marriage of his daughter was performed and the amount of Rs.27,591.25 which was received by way of terminal benefits was spent for his medical treatment. But even assuming that the said pleas of the applicant in regard to the same are true, still as two of his sons ^{having} ~~are~~ ^{as per his letter dated 17-11-87} are running business, it cannot be stated that the applicant is in indigent circumstances.

The learned counsel for the applicant submitted that income from the business was meagre. No such plea was taken earlier. At one time it was stated that the sons are not having any business and now it is stated that one of the sons has wound up his business and the income from the business is meagre.

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In the absence of factual basis in support of the said contentions, the same cannot be accepted. Thus there are no grounds to hold that the respondents are not correct in ^{holding} ~~stating~~ that the family of the applicant is not in indigent circumstances. Hence the OA is dismissed with no costs.

NR
(V. Neeladri Rao)
Vice-Chairman.

(Open Court dictation)

(Dated 1st April, 1993. Deputy Registrar(J))

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To

1. The Chief Postmaster General, A.P.Circle, Hyderabad.
2. The Postmaster General, Southern Region, Kurnool.
3. The Secretary, Department of Posts, New Delhi.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

Attn: PVM
pvm