

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.491 of 1990

DATE OF JUDGMENT: 9th JANUARY 1991

BETWEEN:

Mr. S.Ghouse Samdani Basha .. Applicant

and

1. The Department of Posts, Government of India, represented by the Superintendent of Post Offices, Cuddapah Division, Cuddapah.
2. The Circle Selection Committee, Department of Posts, Hyderabad. Respondents

For APPLICANT: Mr. S.Laxma Reddy, Advocate

FOR RESPONDENTS: Mr. Naram Bhaskar Rao, Addl. CGSC.

CORAM: Hon'ble Shri J.Narasimha Murthy, Member (Judl.)
Hon'ble Shri R.Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI J.NARASIMHA MURTHY, MEMBER (JUDL.)

This is a petition filed by the petitioner for a relief to declare the proceedings of the 1st respondent in No.B/7-23/GSB, dated 13.4.1990 as illegal, arbitrary and violative of principles of natural justice and consequently

is not correct as his brother Shri Syed Ghouse Jeelani Basha is employed in Cuddapah itself in the State Bank of India and the Hon'ble Tribunal may take suitable action for furnishing false information. The applicant's mother was provided with the following monetary reliefs after the death of his father.

Family Pension	Rs. 711=00 including relief
DCRG	Rs. 15,822=00
FCPG	Rs. 133=00
CGEIS	Rs. 20,000=00 plus Rs. 780/-
PRF	Rs. 10,000=00
Postal Relief	Rs. 1,500=00

The family of the applicant owns a house valued at Rs. 50,000/- ~~and~~ as such the family is not in indigent circumstances. The applicant has not furnished these factors in the application but merely mentions that the family gets an income of Rs. 500/- only which is not at all correct. The case of the applicant was considered by the Circle Selection Committee consisting of senior officers of the Department and rejected as it is not a fit case for consideration. His case was considered in its entirety having taken into account the employment of his elder brother in the Bank at Cuddapah itself, besides the property of the house and the monetary assistance provided. Hence, the application is liable to be dismissed.

3. Shri S. Laxma Reddy, learned counsel for the petitioner and Shri Naram Bhaskar Rao, learned Additional Standing counsel for the Central Government/Respondents, argued the matter. In this case, the petitioner is ^{second} ~~a~~ son of the deceased employee Mr. S. Meeran Mohiddin who died when he was working in the Department. ~~The expenses of the second son of the deceased employee~~

ment of the employee's son/daughter/near relative in relaxation of Recruit Rules to Group 'D' or Group 'C' post will be considered. The applicant passed the Intermediate examination and eligible for appointment to Group 'C' post as provided in the relevant Recruitment Rules. The applicant satisfied all the requirements under the Regulations dealing with compassionate appointments, but the 2nd respondent without assigning any reason rejected the case of the applicant for appointment. ~~thereby throwing the applicant~~ and The applicant has large family depending on the meagre family pension, so they are put to severe hardship and unless the appointment on compassionate grounds is ~~made~~ provided, it is very difficult to the family to maintain. Hence, he filed the present application for the above said reliefs.

2. The respondents filed a counter with the following contentions:-

The number of vacancies falling vacant each year is far and few and even out of them the extent to which compassionate appointments can be made is very much restricted inasmuch as out of the total vacancies, 50% are to be set apart for Departmental promotions and out of the remaining 50% to be filled by direct recruitment, Scheduled Caste/ Scheduled Tribe, Physically handicapped persons, Ex-servicemen and compassionate appointments are to be considered. Hence, the cases for compassionate appointments have to be considered on selective basis providing employment to those who need it most to sustain the family. In the event of otherwise, the family which is in dire need for a job would not get it. It is stated that the contention of the applicant that his brother had left the house and his whereabouts are not known

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For these reasons, we do not see any reason to interfere with the decision taken by the respondents and accordingly dismiss the application with no order as to costs.

CERTIFIED TO BE TRUE COPY
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Date.....
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

To

1. The Superintendent of Post Offices,
Department of Posts, Cuddapah Division,
Govt. of India, Cuddapah.
2. The Circle Selection Committee, Dept. of Posts, Hyderabad.
3. One copy to Mr. S. Lakshma Reddy, Advocate.
3-4-548/3, Behind Y.M.C.A. near Andhra Bank, Narayanaguda, Hyd.
4. One copy to Mr. N. Bhaskar Rao, Addl. CGSC. CAT. Hyd. Bench.
5. One spare copy.
6. One copy to Hon'ble Mr. J. Narasimha Murty, Member (J) CAT. Hyd. Bench.

pvm

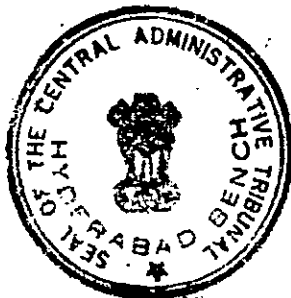
.. 5 ..

Besides the second son, the first son is working at Cuddapah in the State Bank and away from the family. The petitioner's mother, minor brother and sisters are depending on the petitioner. Hence, his mother made a representation for compassionate appointment to her son and the representation was dismissed without assigning any reason. In the counter, the respondents contended that the applicant's family got a house worth Rs.50,000/- and the elder son of the deceased is working in the State Bank of India, Cuddapah. They further contended that the family of the deceased got retirement benefits after the death of the employee and those amounts are sufficient to maintain his family.

4. The first son of the deceased employee is stated to be working in the State Bank of India, Cuddapah and should normally be able to support the family as a matter of duty. The learned counsel for the applicant contended that he is living with his own family and he is of no help to the family of the deceased employee. It is a fact that there are many families where the earning member dies leaving behind not even a single earning member and when such is the pitiable position of many families, in this family there is at least one earning member who can be expected to support the family. The learned counsel for the applicant also pointed out that the house which belongs to the deceased employee has been disposed of to celebrate the marriage of the elder daughter. A family in distress should have been more careful in handling assets left behind by the deceased employee rather than indulging in extravagance. It is also seen from the particulars of the payment received by the family that they are not in such indigent circumstances as to warrant compassionate ground appointment which could only be at the cost of other equal if not more deserving cases.

PROFORMA OF THE APPEALS FILED IN THE SUPREME COURT AGAINST THE ORDERS OF
THE HYDERABAD BENCH OF THE CENTRAL ADMINISTRATIVE TRIBUNAL.

1. The G.A.No. of the case appealed 491 of 1990.
2. Name of the parties:
 - (a) Applicant(s)/Petitioner Mr.S.Ghouse Samadani Basha.
 - (b) Respondent(s) Union of India, Superintendent of Post offices, Cuddapah & another.
3. Nature of case in brief: Regarding compassionate appointment of the applicant.
4. Name of the Bench which passed the impugned orders:-
Hyderabad Bench
5. Whether the case was:-
 - (a) Allowed. -----
 - (b) Disallowed. Yes.
 - (c) Date of Order. 9-1-1991.
 - (d) Bench comprising of: Hon'ble Sri J.Narasimha Murthy, Member(J)
and
Hon'ble Sri R.Balasubramanian, Member (A).
6. Civil Appeal No.75 of 1992. in the Hon'ble Supreme Court.
7. Parties name before the Hon'ble Supreme Court:-
 - (a) Applicant(s)/Petitioners. S.Ghouse Samadani Basha.
 - (b) Respondents. Union of India and another.
 - (c) Date of Interim Order: NIL.
 - (d) Nature of order in brief (may contain the order if not too long...
order of 13-1-92
(Copy enclosed)
- (c) Whether operation of the order of the Tribunal stayed/
restricted or modified. Modified.



Sd/-A.Mohan Krishnaiah,
Deputy Registrar (Judl.)

// True copy //

T. M. Reddy
Section Officer (Judl.)

To:

The Registrar/Deputy Registrar,
All Benches of C.A.T.,
(with reference to Principal Bench
circular No.14/1/89/JA 2719 dt. 26-7-89)

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