

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 1007/93

DATE OF JUDGMENT: 1.3.94

BETWEEN:

1. Smt. G. Bharathi Devi
2. G. M. Suresh Babu

.. Applicants.

A N D

1. Government of India,
Rep. by its Secretary,
Ministry of Communications,
New Delhi.
2. The Post Master General,
Hyderabad.
3. The Supdt. of Post Offices,
Tenali Division, Tenali.

.. Respondents.

APPEARANCE:

COUNSEL FOR THE APPLICANT(s):

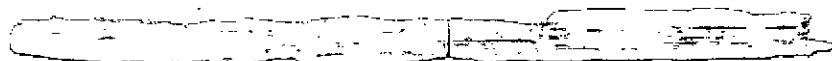
.. Mr. G. Bikshapathy

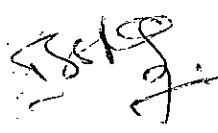
COUNSEL FOR THE RESPONDENTS:

.. Mr. V. Bhimanna

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN





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(22)

O.A.NO.1007/93.

JUDGMENT

Dt. 1.3.1994.

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri G.Bikshapathi, learned counsel
for the applicants and Shri V.Bhimanna, learned standing
counsel for the respondents.

2. The applicants 1 and 2 are the widow and the son ~~xmr~~ of late Shri G.Bhaskar Rao who died in a Railway accident in 1989 and by then he was working as Postal Assistant in Bapatla PO. This OA was filed praying for declaration that the action of the respondents in rejecting the case of the 2nd applicant for compassionate appointment is illegal and arbitrary.

3. The 1st applicant is having three sons and two daughters. The 1st son is a medical practitioner. The 2nd applicant is the second son. The 3rd son of the 1st applicant is also unemployed. The 1st daughter of the 1st applicant was married and the second daughter is not married.

4. The request of the 1st applicant for appointment of the 2nd applicant on compassionate grounds was rejected on the following grounds:-

a) The family received Rs.71,109/- as terminal benefits.

b) The family was also given the monthly pension of Rs.740/- plus dearness relief thereon per month.

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c) The family owns a house site of 106 Sq.Yds.

d) There are no minor children to be maintained;

e) There are no indigent circumstances and

f) The family received Rs.1,00,000/- towards compensation due to death of the 1st applicant's husband in the Railway accident.

5. It has to be noted that the alliance for the 2nd daughter of the 1st applicant has to be fixed and the 2nd applicant and his younger brother are ^{not gainfully employed} minors. The family pension of Rs.740/- ^{p.n} will be reduced in due course. It is stated for the applicants that the 1st son of the 1st applicant was separated long time back and he is not supporting this family. If in fact the 1st son of the 1st applicant is not supporting the family of the applicants, then the amount of Rs.1,00,000/- received as compensation and Rs.71,109/- received as gratuity may not be sufficient to maintain themselves, ^{major} for, a ~~long~~ portion of it has to be spent for the marriage of the 2nd daughter of the 1st applicant and ~~a large number~~ of it has also to be spent for their maintainance till any member of the family is gainfully employed.

6. A copy of the certificate dated 8.2.1993 said to have been given by the V.A.O. is filed to show that the applicants are not getting any income from the land of three acres. But this certificate

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To

1. The Secretary, Ministry of Communications,
Govt. of India, New Delhi.
2. The Postmaster General, Hyderabad.
3. The Superintendent of Post Offices,
Tenali Division, Tenali.
4. One copy to Mr. G. Bikshapathy, Advocate, CAT. Hyd.
5. One copy to Mr. V. Bhimanna, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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page 17
7/3/24

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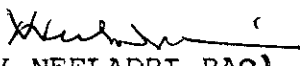
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was obtained only after the request of the applicants for appointment of the 2nd applicant on compassionate grounds was rejected (it was rejected on 8.1.1993). It is also the case of the applicants that the house site of 106 square yards was allotted to them as they belong to weaker section and the applicants ~~were~~ were living in the thatched house on the said site.

7. In the circumstances, it is just and proper to give the following directions:-

The 3rd respondent has to get it verified as to whether the applicants are not getting any income from the three acres of land and whether the site of 106 sq. yards was given by way of patta and whether the first son of the 1st applicant is separated from the family of the applicants even before the death of the husband of the 1st applicant and he is not supporting the applicants and the other members of the family. If the above pleas for the applicants are found to be correct, then the Committee has to consider the case of the 2nd applicant for appointment on compassionate grounds. The 3rd respondent has to get the same verified within three months from the date of receipt of this order.

8. The OA is ordered accordingly. No costs.


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 1st March, 1994.
Open court dictation

15384
Deputy Registrar (C)
cc

vsn

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RAMARAJAN : MEMBER
(ADMN)

Dated: 1-3-1994.

~~ORDER~~/JUDGMENT:

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

in

O.A.No.

1007/93

T.A.No.

(W.F.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn. DECPATCH

Dismissed for Default.

25 MAR 1994

Rejected/Ordered:

HYDERABAD BENCH.

No order as to costs.

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7/3/94