

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA 125/93.

Dt. of Order: 7-3-94.

K.Maheswara Rao

...Applicant

Vs.

1. Union of India rep. by its Secretary,
Ministry of Communications, New Delhi.
2. The Chief Post Master General,
Andhra Circle, Abids, Hyd-1.
3. The Post Master General,
Visakhapatnam Division,
Visakhapatnam.

....Respondents

Counsel for the Applicant : Shri M.P.Chandramouli

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

CORAM:

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

....2.

TSR

ORDER

[(As per Hon'ble Shri T. Chandrasekhara Reddy, Member(J))]

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to appoint the applicant in a suitable post on compassionate grounds and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. The facts giving rise to this OA in brief areas follows:

3. One Sri Kakara Chittayya while working in Postal Department died on 20.1.1990 while he was in service. The said Kakara Chittayya had put in more than 27 years of service in the department by the time of his death. The said Kakara Chittayya was said to be aged 48 years at the time of his death. The said Kakara Chittayya left behind him, the applicant's mother, younger sister, younger brother and the applicant herein. After the death of the said Kakara Chittayya, the applicant herein who is the son, put in representation to the second respondent requesting him to provide suitable job on compassionate grounds, if required, under relaxation of Recruitment rules. It is said that the said representation had been followed by reminders dated 28.4.90, 27.7.90, 23.8.90 and 15.7.92. As there was no response from the respondents with regard to the grievance of the applicant, the applicant had approached this Tribunal.

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4. We have heard today Mr MP Chandramouli, learned Counsel for the applicant and Mr NR Devraj, learned Standing counsel for the Respondents.

5. It was argued by Mr NR Devraj, learned counsel for the respondents that as final orders has not been passed by the respondents on the representation/representations made by the applicant, that this OA is liable to be dismissed as premature. Within a reasonable time after the death of said Kakara Chittayya, the applicant herein who is the son, had put in representation. It was the bounden duty of the respondents to pass final orders on the representation of the applicant within six months from the date of receipt of the same. But as seen from the records even though two years had lapsed from the date of first representation, the respondents had not passed final orders. Under Section 20 of the Administrative Tribunals Act, if final orders are not passed within six months from the date of representation, made by the ~~agxxix~~ aggrieved employee, after the expiry of six months, the aggrieved employee has got a right to approach this Tribunal for redressal of his grievance. So, it is not open for the respondents to contend that this OA is not maintainable as final orders are not passed by the respondents on the ~~gxmxm~~ representations made by the applicant. So, we are of the opinion that this OA is maintainable.

6. So, in view of the facts and circumstances of the case and to protect the interests of both the sides, it will be appropriate to dispose of this OA by giving appropriate directions. Three months time is granted to the respondents from the date of communication of this order to pass final orders on the representation/representations of the applicant with regard to compassionate appointment. If the applicant conti

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to be aggrieved by the decision of the respondents, it will be open for the applicant to approach this Tribunal afresh in accordance with law for redressal of his grievance. Parties shall bear their own costs.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY
Member (Jud1.))

Dated: The 7th March, 1994
(Dictated in the Open Court) *Amulya* *18/3/94*

Deputy Registrar (J) CC

spr/mvl

To

1. The Secretary, Ministry of Communications, Union of India, New Delhi.
2. The Chief Postmaster General, Andhra Circle, Abids, Hyderabad-1.
3. The Postmaster General, Visakhapatnam Division, Visakhapatnam.
4. One copy to Mr. M. P. Chandramouli, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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7/3/94
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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.S.GORTHI : MEMBER (A)
AND

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

AND

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

Dated: 7-3-1994.

ORDER/JUDGMENT:

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

in
O.A.No. 125/93.

T.A.No.

(W.P. No.)

Admitted at Interim Directions
issued.

Allowed.

Disposed of th Direction
Dismissed. DESPATCH

Dismissed athdrawn.

Dismissed for fault.

Rejected/ord.

25 MAR 1994

HYDERABAD BENCH.

No order as to

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18/3/94
F.S.