

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD.  
\* \* \*

O.A. 1312/93.

Dt. of Decision : 30.5.1994.

1. S. Sitarama Ganeswara Swamy  
2. S. Chranjeevi

.. Applicants.

Vs

1. The Director General, Telecommunications,  
Daktha Bhavan, New Delhi.

2. The Chief General Manager,  
Telecommunications,  
Hyderabad.

3. The Senior Sudt., Telegraph Traffic  
Vijayawada, Krishna District.

4. The District Manager,  
Telecommunications,  
Vijayawada, Krishna District.      .. Respondents.

Counsel for the Applicants : Mr. A. Venkateswara Sarma

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

CORAM:

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

OA.1312/93

Judgement

( As per Hon. Mr. R. Rangarajan, Member (Admn.) )

Heard Sri N.R. Devaraj, learned counsel for the respondents. Sri A. Venkateswara Sarma, Counsel for the applicants, ~~was~~ not present. After hearing the learned counsel for the respondents, the case is decided on merits.

2. The applicant-1 is the third son of late Sri S. Rama Rao, who worked as Telegraph Zamedar, in DTO, Palacole, West Godavari District. Sri Rama Rao expired on 27-11-1989. The Applicant-2 herein is the wife of late Sri Rama Rao, applied for appointment on compassionate grounds to her son Sri S. Sitarama Ganeswara Swamy, A-1 herein, on 10-1-1990, to Respondent-3. Her request for appointment on compassionate grounds to her son A-1, Sri Sitarama Ganeswara Swamy, had been rejected by letter No.TA/STA(R)/13-24/90 dated 30-9-91. She also approached through local MLA for <sup>his</sup> appointment on compassionate grounds and that request was also rejected by letter dated 26-2-1992.

3. The contention for the applicant-2 is that the family has to depend only on family pension and she has incurred heavy medical bills due to prolonged illness of her husband. Under the above circumstances, she has filed this application for setting aside the order dated 30-9-91 and 26-2-1992 whereby the appointment on compassionate grounds was rejected and to further direction to appoint A-1 in Group-D service on compassionate grounds.

(21)

4. The contention of the respondents are that two of her sons are already gainfully employed and she has got a family pension of Rs.490/- in addition to DA which comes to about Rs.1000/-. She further got an amount of Rs.38,572/- as terminal benefits on the death of her husband. There are number of deserving cases who are placed still worse indigent circumstances and hence granting of compassionate appointment to this applicant-1 herein will not be justified. The applicants have not satisfied any of the conditions for granting compassionate appointment either due to financial status which warrants compassionate ground appointment or any other condition.

5. As stated earlier, the learned counsel for the applicants was not present and the case was decided on merits after hearing the learned counsel for the respondents and after careful perusal of the records.

6. Appointment on compassionate grounds has to be given only to deserving cases where the family is placed in indigent circumstances where they cannot live without any earning member. In this case two of her sons are already employed gainfully. She (A-2) has no female children to be married of, and Applicant-1 herein is the third son and she is getting a family pension of Rs.490/-, in addition to DA thereon. She has also got a lumpsum terminal benefits of Rs.38,572/-. It may be possible that some amount should have been spent due to prolonged illness of her husband but it may not necessitate grant of compassionate appointment to her third son considering her present financial conditions. The respondents have correctly pointed out that there are more deserving cases where the applicants are placed in a situation where they cannot maintain their family as their financial conditions are much worse as none of their wards are employed.

To

1. The Director General, Telecommunications,  
Daktnar Bhavan, New Delhi.
2. The Chiet General Manager, Telecommunications,  
Hyderabad.
3. The Senior Superintendent Telegraph Traffic  
Vijayawada, Krishna Dist.
4. The District Manager, Telecommunications,  
Vijayawada, Krishna Dist.
5. One copy to Mr.A.Venkateswara Sarma, Advocate  
2-2-1130/19/C, New Nallakunta, E-1 Prasanthnagar, Hyd.
6. One copy to Mr.M.R.Levraj, Sr.CGC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pdm



7. Disregard of rules and regulations by the Tribunal in granting compassionate ground appointment is to be avoided as observed by Supreme Court reported in Judgments Today | JT 1994(2) S.C. 183 - Life Insurance Corporation of India Vs. Mrs. Asha Ramchandra Ambedkar and anor. |. It is further observed by the Supreme Court in the citation quoted above that the Tribunal cannot confer benediction impelled by sympathetic consideration. The Supreme Court, in the above cited judgment has also observed that "there may be other cases waiting already for appointment on compassionate grounds, they may be even harder than that of the 2nd respondent". The above observation has been taken into account by the respondents while rejecting the compassionate ground of appointment in this case.

8. In view of what is stated above I am satisfied that this is not a fit case for granting compassionate ground appointment and the department has justifiably rejected the request for compassionate ground of appointment of Applicant-1. I see no reason to interfere with the orders issued by the department in rejecting her request for compassionate ground appointment.

9. In the result, the application is dismissed.  
No costs.

  
( R.Rangarajan )  
Member(Admn.)

Dated 30th May, 1994.  
Dictated in the open court.

sk/grh.

  
Amalgamated  
Deputy Registrar(J)

TIPIED 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.GURTHI : MEMBER(A)

AND

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

AND

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

Dated: 30-5-1994.

ORDER/JUDGMENT:

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

in

O.A.No. 1312/93.

T.A.No.

(W.P. )

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

