

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. No. 1315/93.

Dt. of Decision : 27.5.94.

T. Siva Prasad

.. Applicant

Vs

1. The Chairman,
Postal Service Board,
Daktar Bhavan,
San Dat Margh,
New Delhi.
2. The Deputy Director General (PG)
Department of Posts (Room No.208),
Daktar Bhavan, Sandat Margh,
New Delhi.
3. The Chief Post Master General,
Andhra Circle,
Hyderabad.
4. The Superintendent of Post Offices,
Hindupur, Ananthapur District. .. Respondents.

Counsel/for the Applicant : Mr. P. Raghavender Reddy
Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGSC

CORAM:

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMN.)

OA No.1315/93.

Dt. of Order:27-5-94.

(Order passed by Hon'ble Shri A.B.Gorthi,
Member (A)).

* * *

In this application the prayer of the applicant is for a direction to the Respondents to appoint him in any suitable post on compassionate grounds.

2. The father of the applicant while working as Postal Assistant (Class-III) proceeded on voluntary retirement on medical grounds on 27-9-85. The applicant attained majority on 21-9-88 and thereafter made a representation to the Respondents to give him appointment on compassionate grounds.

3. The Respondents in their counter affidavit have stated that on the date of retirement of the employee, his family comprised his wife, 3 sons and ^a~~their~~ daughter. The first two sons are married, employed and living separately. The 3rd son, who is the applicant, ^{is} seeking appointment. The only daughter is married. Further, the employee ^{is} ~~was~~ receiving a monthly pension of Rs.547/- + relief. The contention of the Respondents is that the family is not in such indigent circumstances as would justify giving appointment to the applicant on compassionate grounds.

4. None present for the applicant. Even on the previous date of hearing (24-5-94), ~~also~~ none was present for the applicant. We have however heard learned counsel for the Respondents and perused the material before us.

5. ^{In a} recent judgment of the Supreme Court in Auditor General of India Vs. G. Ananta Rajeswara Rao (1994 SCC (L&S) page-500), it was held that appointment on compassionate grounds, except on certain ^{specified} grounds, is violative of Article 16(2) of Constitution. Relevant portion of the judgment is extracted below :-

"Therefore, the High Court is right in holding that the appointment on grounds of descent clearly violates Article 16(2) of the Constitution. But, however it is made clear that if the appointments are confined to the son/daughter or widow of the deceased government employee who dies in harness and who needs immediate appointment on grounds of immediate need of assistance in the event of there being no other earning member in the family to supplement the loss of income from the bread-winner to relieve the economic distress of the members of the family, it is unexceptionable. But in other cases it cannot be a rule to take advantage of the Memorandum to appoint the persons to these posts on the ground of compassion. Accordingly, we allow the appeal in part and hold that the appointment in para-1 of the Memorandum is upheld and that

To

1. The Chairman, Postal Service Board,
Daktar Bhavan, San Dat Marg, New Delhi.
2. The Deputy Director General (PG)
Department of Posts (R.No.208)
Daktar Bhavan, Sandat Marg, New Delhi.
3. The Chief Postmaster General, Andhra Circle, Hyderabad
4. The Superintendent of Post Offices,
Hindupur, Anantapur Dist.
5. One copy to Mr.P.Raghavender Reddy, Advocate, 7-105/1
Madhurapuri, Road No.4, Dilsukhnagar, Hyd.
6. One copy to Mr.N.V.Ramana, Addl.CGSC. CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

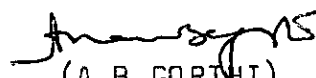
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appointment on compassionate ground to a son, daughter or widow to assist the family to relieve economic distress by sudden demise in harness of government employee is valid. It is not on the ground of descent simpliciter, but exceptional circumstances for the ground mentioned. It should be circumscribed with suitable modification by an appropriate amendment to the Memorandum limiting to relieve the members of the deceased employee who died in harness from economic distress. In other respects Article 16(2) is clearly attracted."

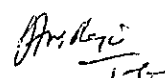
From the aforesaid, it would be evident that there is no scope for giving appointment on compassionate ground to the son or daughter of an employee who is retired on invalidation on medical grounds. Such appointment, as observed by the Hon'ble Supreme Court, would offend Article 16(2) of the Constitution.

6. In the above circumstances we find no merit in this O.A. and the same is dismissed. No order as to costs.


(A.B. GORTHI)
Member (A)

Dt. 27th May, 1994.
Dictated in Open Court.

av1/


1-6-94
Deputy Registrar (3) cc

TYPED BY

COMPARED BY

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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 (AD)

AND

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

AND

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

Dated: 27-5-1994

ORDER/JUDGMENT

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

O.A.No. 1315/93. in

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.

