

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1330/93.

Dt. of Decision : 7.7.94.

Mr. G. Suresh Babu

.. Applicant.

Vs

1. Chief Post Master General,
Andhra Pradesh, Hyderabad.
2. Asst. Post Master General,
Visakhapatnam.
3. Superintendent of Post Offices,
Parvatiapuram, Vizianagaram Dist.
4. Postal Welfare Officer,
G.P.O., Abids, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. A. Ravi Shankar (Not Present—)

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

COR AMN:

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

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O.A.No.1330/93

X As per Hon'ble Shri A.B. Gorthi, Member (Admn.) X

The prayer of the applicant is for
appointment on compassionate grounds.

2. The father of the applicant while serving as a Driver in the Postal Department was declared as permanently incapacitated for further services and was discharged vide memo dated 4.10.91. The applicant's family consists of the applicant, his parents and the younger brother. As the father of the applicant was the only bread winner, the family fell into indigent circumstances on his medical invalidment. Requests were made for giving appointment to the applicant on compassionate grounds but without success.

3. The constitutional validity of giving appointment on compassionate grounds came to be considered by the Supreme Court in Auditor General of India and others vs. G.Ananta Rajeswara Rao 1994 SCC (L&S) 500. Relevant portion of the judgement 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 died 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

(G)

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 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 circumstance 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 dies in harness from economic distress. In other respects Article 16(2) is clearly attracted."

4. In view of the above it will no longer be legally permissible to give appointment on compassionate grounds to the ward of an employee who is discharged from service on medical invalidment.

5. The O.A is therefore dismissed but there shall be no order as to costs.

Handwritten signature
(A.B.GORTHI)
Member (Admn.)

Dated: 7th July, 1994
(Dictated in Open Court)

Handwritten signature
Deputy Registrar (Judl.)

sd
Copy to:-

1. Chief Post Master General, Andhra Pradesh, Hyd.
2. Asst. Post Master General, Visakhapatnam.
3. Superintendent of Post Offices, Parvatipuram, Vizianagaram Dist
4. Postal Welfare Officer, G.P.O. Abids, Hyderabad.
5. One copy to Sri. A.Ravi Shankar, advocate, 11-5-153, Redhills, Hyd-4.
6. One copy to Sri. M.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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14/7/94.

OA-1330793

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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.G RTHI : MEMBER(A)

AND

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

AND

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

Dated: 7/7/1994.

ORDER/JUDGMENT:

M.A./R.A/C.A. NO.

in

O.A.NO. 1330793

T.A.NO. (N.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed. ✓

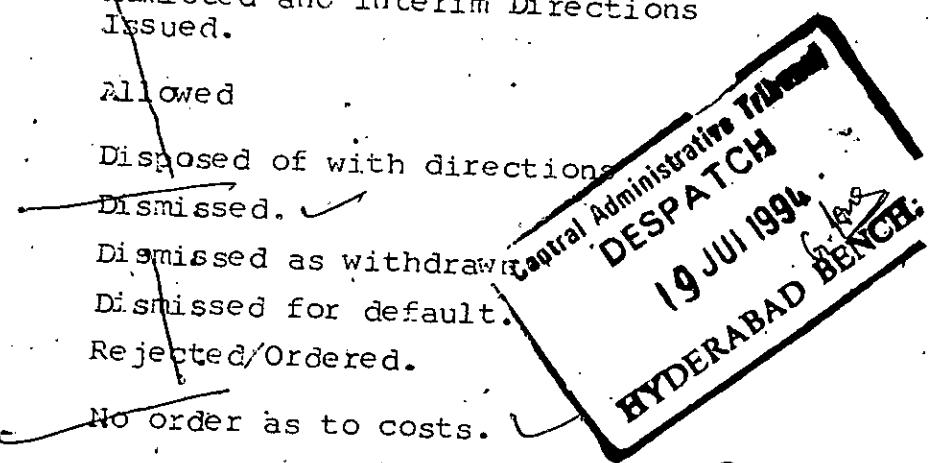
Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm



14/7/94. Vee