

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1597/93

Date of Order: 1.6.1994

BETWEEN:

K.Sudhakar

.. Applicant.

A N D

1. Chief Post Master General,
A.P.Circle, Hyderabad.
2. Senior Superintendent of Post
Offices, Hyderabad South East Division,
Hyderabad. .. Respondents.

Counsel for the Applicant .. Mr.S.Ramakrishna Rao

Counsel for the Respondents .. Mr.N.V.Ramana

CORAM:

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

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This is an application for appointment on compassionate grounds. The applicant's father while working as Public Relations Inspector (Postal) Jubilee Head Post Office, Hyderabad expired on 1.5.1990 after rendering a long and unblemished service in the Postal Department. At the time of the death of the employee, his family comprised his mother aged 70 years, wife aged 46 years, 2 sons aged 29 and 24 respectively and one daughter aged 26 years. The eldest son is married and he is in private service, but he is contributing nothing towards the sustenance of the family. It has therefore become impossible for the applicant to look after the family with a meagre family pension that is being given to his mother. His request to the concerned authorities for appointment on compassionate grounds was turned down.

2. The respondents in their reply affidavit have stated that the employee died only 2 months prior to his superannuation. On the death of the employee, the family received the following amounts:-

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| DCRG | -- Rs. 54,180-00 |
| GPF | -- Rs. 393-00 |
| CGEIS | -- Rs. 32,326-00 |
| PRF | -- Rs. 10,000-00 |
| Encashment Leave | -- Rs. 8,690-00 |
| Assistance from Welfare Fund Rs. 2,000-00 | |
| Total Rs.1,07,589-00 | |

3. Besides the above, the widow of the employee is in receipt of monthly family pension of Rs.800/- plus relief. The family has its own house in the city and

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that the daughter of the employee was married. Last but not the least, the respondents stated that the employee's eldest son is working as a Goldsmith. In view of all these factors the case of the applicant, when came up for consideration, by the Circle Selection Committee, was rejected as there were more deserving cases for grant of appointment on compassionate grounds.

4. Heard learned counsel for both the parties. Mr.S.Ramakrishna Rao, learned counsel for the applicant has urged that the applicant's ^{father} had spent a lot of money for the marriage of his daughter one month before his death. Similarly the house was built by the employee with loans taken. In support of his contention, a notice from the Prudential Co-operative Urban Development Bank Ltd. has been attached as Annexure A-8 to the OA which indicates that a sum of Rs.23,557-40 was over due for payment. It is further contended by the applicant's counsel that the eldest son is having only some private service and is not able to contribute any money for the maintenance of the other family members. In view of the above, learned counsel for the applicant urged that the Selection Committee ought to have favourably considered the case of the applicant for appointment on compassionate grounds.

5. Learned counsel for the respondents has shown us the relevant record which indicates that the case of the applicant was duly considered by the Circle Selection Committee for appointment on compassionate grounds. The Circle Selection Committee which examined the case considered

all the relevant aspects of the case and came to the conclusion that all the family members are grown up, that there are no minor children to be brought up or educated and that in view of the financial assets and the possession of the own house, the applicant's case did not merit appointment on compassionate grounds.

6. When the case of a candidate for appointment on compassionate grounds is duly considered by the appropriate committee, it is ordinarily not proper for the Tribunal to interfere with the decision of the said committee until and unless the same is found to be patently perverse or arbitrary. In the instant case the selection committee are such that it cannot be said that the decision of the Committee to reject the case of the applicant is either arbitrary or perverse as would justify or warrant my intercession therewith.

7. In a recent judgement of the Supreme Court in Auditor General of India v. G. Ananta Rajeswara Rao 1994 SCC (L&S) 500, it was observed, inter-alia, as under:-

"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 perdurable 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 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". (underlined for emphasis).

8. In view of the facts of the case which indicate that there is already an earning member of the family and also keeping in view the afore-said judgement of the Supreme Court, I find that the action of the respondents in turning down the request of the applicant for appointment on compassionate grounds cannot be said to be either unreasonable or unjust.

9. U.A. is therefore dismissed but there shall be no order as to costs.

Amulya Gorthi
(A.B.GORTHI)

Dated: 1st June, 1994

(Dictated in Open Court)

Amulya Gorthi
Deputy Registrar (J) CC.

To sd

1. The Chief Postmaster General, A.P. Circle, Hyderabad.
2. The Senior Superintendent of Post Office.
3. One copy to Mr. S. Ramachandra Rao, Advocate, CAT. Hyd.
4. One copy to Mr. N. V. Ramana, Adcl. CGSC CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

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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.G RTHI : MEMBER(A)

AND

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

AND

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

Dated: 16 -1994.

ORDER/JUDGMENT:

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

in

O.A.No.

1597/93

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.

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