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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.381/93

Date of Order: 10.1.94

BETWEEN:

1. Smt. D.Lakshmi
 2. D.Chakravarthy
- .. Applicants.

A N D

1. Union of India, rep. by its
Secretary, Ministry of Communications,
Department of Posts, Sanchar Bhavan,
Parliament Street, New Delhi-110001.
 2. Chief Post Master General,
Andhra Circle,
Hyderabad.
 3. Senior Superintendent of Post Offices,
Visakhapatnam.
- .. Respondents.

Counsel for the Applicants .. Mr.S.A.Chari

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

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CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

17/1/94
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(Order of the Single Member Bench delivered by
Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.).

This is an application filed under Section 19
of the Administrative Tribunal's Act to direct the
respondents to provide an appointment to the ^{second} applicant
on compassionate grounds and to pass such other order
or orders as may deem fit and proper in the circumstances
of the case.

The facts so far necessary to adjudicate this
O.A. in brief are as follows:-

2. The first applicant is the wife of one D.Narayana Rao
who had formerly worked as an Office Assistant in the
Post Office, Visakhapatnam. The second applicant is
their second son. After rendering 15 years of service
the said Narayana Rao died on 5.9.78 while in service.
At the time of the death of the said Narayana Rao, he
left behind him his widow D.Lakshmi the first applicant
herein, the first son D.S.R.Mohan and ^{the second son} D.Chakravarthy
~~the second son~~ (applicant herein) and 2 daughters. On
5.2.85 the ^{first} applicant put in a representation to the
competent authority to provide an appointment to her
eldest son D.S.R.Mohan. The competent authority after
considering pros and cons rejected the claim of the
applicant for appointment of the said D.S.R.Mohan as
per the orders dt. 1.2.90 which was communicated to
D.S.R.Mohan himself on 5.2.90. The said D.S.R.Mohan
had since married and is living separately from the
applicant. The said D.S.R.Mohan has got a family of

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his own. The said D.S.R.Mohan is not particular of any compassionate appointment now. The said D.S.R.Mohan has no objection to provide an appointment to the second applicant on compassionate grounds by the respondents. The first applicant approached the second respondent in October 1992 to provide an appointment on compassionate grounds to the second applicant herein. The second applicant had passed B.Com in July 1991. According to the applicants 1 and 2, the family is in indigent circumstances as a sum of Rs.40,000/- had been incurred as loan by the first applicant for performing her second daughter's marriage and also for completing the construction of the house which the said D.Narayana Rao had commenced during his life time. According to the applicants second applicant is appointed on compassionate grounds as an assistance to the family. So, the present O.A. is filed by the applicants 1 and 2 for the relief as already indicated above.

3. Counter is filed by the respondents opposing this O.A.

4. This O.A. was listed for final hearing on 17.12.93. On 17.12.93 none was present on behalf of the applicant and there was no representation on behalf of the applicant. Mr.N.V.Ramana, Standing Counsel for the respondents reported ready and he was heard. So, the O.A. was ordered to be listed for dismissal on 24.12.93. On 24.12.93 as the single judge not function this O.A. had not come up for dismissal on 24.12.93. Today the O.A. is listed for dismissal.

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Even though the OA is listed for dismissal none is present on behalf of the applicant and there is no representation on behalf of the applicant. After hearing the Standing Counsel for the respondents and after perusing the material before us we proceed to dispose of this OA on merits.

5. It is not in dispute that the 2 daughters of the said late D.Narayana Rao, Office Assistant, Visakhapatnam are since married. No doubt it is pleaded that for the marriage of the second daughter that a sum of Rs.40,000/- had been incurred as loan under a pro-note by the first applicant and that the said debt is not yet discharged and due to the marriage of the second daughter that the family is burdened with heavy debts and in view of the distress and indigent circumstances the family is placed that there is need to provide an appointment on compassionate grounds. To substantiate the contention of the applicants that the family is in indigent circumstances the applicants had filed a copy of the promisory note dated 5.10.91 for a sum of Rs.40,000/- said to have been executed by the first applicant herein in favour of one Ch. Appa Rao. Along with the OA, a number of representations made to the competent authority by the first applicant and second applicant to provide appointment on compassionate grounds are filed. Copy of a Lawyer's notice dated 9.12.92 issued on behalf of the first applicant to the respondents demanding to the second applicant an appointment on compassionate grounds is also filed. We have gone carefully through all the representations made to the competent authority by the applicants herein for providing an appointment on compassionate grounds and also through the said Lawyer's notice dated 9.12.92. Very strangely in none of the representations and in the

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lawyer's notice dt. 9.12.92, there is reference to any debt as having been incurred by the first applicant for the marriage of her second daughter. It is only for the first time that has been pleaded in the OA that a sum of Rs.40,000/- had been incurred as loan for performing the marriage of the second daughter of the first applicant. In view of the facts and circumstances of the case it is rather very difficult to place reliance on the copy of the promisory note that is filed in this OA to conclude that the first applicant had incurred a loan of Rs.40,000/- for performing the marriage of her daughter as there is no mention at all in any of the said representations and in the said notice of the Advocate for the applicant that is given to the respondents. So, the fact that the applicant is indebted cannot at all be accepted. As already pointed out there is material to show that both the daughters of the applicant are married. The eldest son of the first applicant D.S.R. Mohan is admittedly living separately and is having his own family. He has given up his claim for compassionate appointment. As a matter of fact as early as on 1.2.90 the claim of the eldest son of the first applicant (D.S.R. Mohan) for appointment on compassionate grounds had been negatived which proceeding had been communicated to the said D.S.R. Mohan on 5.2.90. This OA is filed by both the applicants herein on 22.4.93, i.e. more than 3 years after the claim had been rejected by the competent authority for providing an appointment on compassionate grounds to the other member of the family of the applicants. If the family is ^{really} in indigent circumstances we do not think that the applicants would have waited for more than 3 years to approach the Tribunal for the redressal of their grievance. So, it became doubtful whether the family is in distress and indigent circumstances as claimed by

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Copy to:-

1. Secretary, Ministry of Communications, Department of Posts, Union of India, Sanchar Bhavan, Parliament Street, New Delhi-011.
2. Chief Post Master General, Andhra Circle, Hyderabad.
3. Senior Superintendent of Post Offices, Visakhapatnam.
4. One copy to Sri. S.A.Chari, advocate, 20-51/3A, Sharda Nagar, Hyderabad-660.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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PS @ 7/2/94

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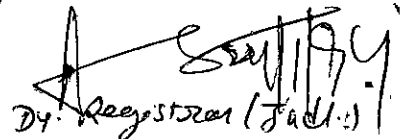
the applicants. We see laches also on the part of the applicant in approaching this Tribunal. Strictly speaking within one year from 5.2.90 on which date the claim of the D.S.R.Mohan first son of the applicant had been rejected for compassionate appointment, the first applicant should have approached this Tribunal to provide an appointment either to the said D.S.R.Mohan or to the second applicant herein. But such a course had not been followed by the first applicant. So, in view of the laches on the part of the applicant in approaching this Tribunal and as we are not satisfied that the family is in distress and indigent circumstances this OA is liable to be dismissed.

6. There is one more obstacle in the way of the applicants to consider the case of the second applicant for appointment on compassionate grounds. From the material available on record it is quite evident that the applicants own ARCC building. Applicants 1 and 2 besides owning a building, the first applicant is drawing family pension of Rs.375/- plus relief thereon. The family pension plus relief thereon, would come nearly to Rs.700/-. So, as the first and second applicants own a house and the first applicant is getting monthly family pension about Rs.700/-. It is very difficult to conclude that the family of the applicant is in distress and indigent circumstances. So, seen from any angle this does not appear to be a fit case where the second applicant could be provided an appointment on compassionate grounds. So, for the aforesaid reasons, this OA is liable to be dismissed and is accordingly dismissed. The parties shall bear their own costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)

Dated: 10th January, 1994

(Dictated in Open Court)


Dy. Registrar (Judl.)

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

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

AND

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

Dated: 16/11.-1993

ORDER/JUDGMENT: ✓

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

O.A.No.

in
381/93

~~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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