

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.54/93

Date of Order: 30.8.93

BETWEEN:

Md.Sardar Ahmed Shariff

.. Applicant

A N D

1, Chief General Manager,
Telecommunications,
Andhra Pradesh,
Hyderabad - 500 001.

2. The Telecommunications
District Manager,
Rajahmundry - 533 150,
East Godavari District.

.. Respondents.

Counsel for the Applicant

.. Mr.K.L.Narasaiah

Counsel for the Respondents

.. Mr.M.RajeswaraRao
for
Mr.N.V.Ramana

CORAM:

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

(Order of the Single Member Bench delivered
by Hon'ble Shri A.B.Gorthi, Member (Admn.).).

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The applicant ~~who~~^{is} is the younger brother of late Md. Yakub Sharif who died while working with the respondents as Telecom Office Assistant on 13.7.1990.

2. The applicant's father was also without a job as he had given up his private employment as he was suffering from Cancer. On 12.2.1990 he was admitted to Cancer Hospital, Madras for treatment but died on 13.11.1990. In these circumstances ~~it has~~^{it has} become the sole responsibility of the applicant to maintain his widowed mother.

3. On the death of Md. Yakub Sharif, ~~after~~^{his father} approached the authorities concerned for compassionate appointment to the younger son (the applicant). The respondents considered his request but rejected the same on 30.10.1991 without assigning any reasons.

4. The respondents in their counter affidavit have stated that the applicant's ~~counsel~~^{case} was duly considered by the competent authority, namely, CGMT Hyderabad. It was found that the family of the deceased was not in indigent circumstances and that ~~they~~^{there} were other cases which required favourable consideration. Further, the family of the deceased was in receipt of about ^{Rs} 86,000/- on account of the terminal benefits and Insurance amount.

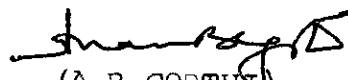
5. It will be neither fair nor proper for the respondents to be guided merely by the amount the family receives on the death/retirement of an employee because in the case of every Government employee the

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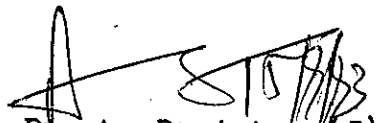
family is bound to receive such retiral/terminal benefits. What is required to be done by the respondents is to ^{take} ~~taking~~ into consideration certain other aspects of the case also such as the details of the property possessed by the members of the family of the deceased employee. In the instant case learned counsel for the applicant stated that the applicant or his mother does not possess any movable or immovable property or other tangible financial assets. It will ^{be} ~~be~~ therefore be proper ^{if the} ~~with a~~ competent authority ^{a proper} ~~an~~ reconsiders the case for an examination in all its aspects.

6. The respondent No.1 (Chief General Manager, Telecommunications, A.P), Hyderabad is hereby directed to reconsider the case of the applicant within a period of three months from the date of the communication of this judgement.

7. The application is allowed in the above terms without no order as to costs.


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

Dated: 30th August, 1993


Deputy Registrar (J)

To

1. The Chief General Manager, Telecommunications, Andhra Pradesh, Hyderabad-1.
2. The ^{sd}Telecommunications District Manager, Rajahmundry - 533 150, E.G.Dist.
3. One copy to Mr.K.L.Narasimha, Advocate, Flat 17, 5th floor, Silpa Apartments, Erramanzil, Hyd.
4. One copy to Mr.N.V.Ramana, Addl.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. GORTHY : MEMBER (A),

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 30-8-1993

ORDER/JUDGMENT:

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

in

O.A.No.

54/93.

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

