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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

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O.A. No. 843/94.

Dt. of Decision : 22.7.94.

Mr. G.K. Maruthi

.. Applicant.

Vs

1. Government of India rep. by its Secretary, Ministry of Communications, New Delhi.
2. Chief Post Master General, AP Circle, Abids, Hyderabad-500 001.
3. Superintendent of Post Offices, Kurnool Division, Kurnool-518 001. A.P. .. Respondents.

Counsel for the Applicant : Mr. K. Rajanna

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

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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O.A.No.843/94:

X As per Hon'ble Shri A.V.Haridasan, Member (Judl.) X

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The applicant who is 32 years old is the second son of late Sri G.K.Venkanna who died on 1.11.89 while serving as a Sub Post Master. Apart from the applicant, Sri Venkanna left behind his widow, elder son (who is employed as a Police Constable and already married), 2 younger sons and also a daughter (who was already married). After the death of Sri Venkanna, it is alleged that the applicant's mother made a request for appointment of the applicant on compassionate grounds on 18.1.90 for which allegedly there is no response. Therefore, on 28.1.93, the applicant made another representation for employment assistance on compassionate grounds. Finding no response to this representation, the applicant filed this application under Section 19 of the Administrative Tribunals Act for a direction to the respondents to appoint the applicant on compassionate grounds. We have carefully perused the application and we have heard learned counsel for both the parties. The death of Sri Venkanna occurred in 1989. The applicant's mother had made a request for compassionate appointment for her son in January, 1990. But thereafter till January, 1993, when the applicant made a representation, it is seen that the matter was not pursued. If, as a matter of fact, the family was left destitute and driven to extreme indigence normally the matter would have been further pursued if no reply was received to the representation of the mother. The fact that it was not done is indicative of the fact that there was no immediate

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Copy to:-

1. Secretary, Ministry of Communications, Government of India, New Delhi.
2. Chief Post Master General, A.P.Circle, Abids, Hyd-001.
3. Superintendent of Post Offices, Kurnool Division, Kurnool-001.
4. One copy to Sri. K.Rajanna, advocate, 6-3-841/B,Flat No.202 Padmaja Park View Apartments, Amaerpet, Hyd-16.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

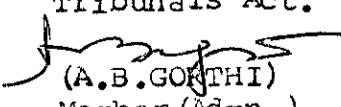
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need. Further, there is an earning member in the family i.e., the elder son of Sri Venkanna. Though it is alleged in the application that the eldest son of Sri Venkanna is already married and is living separate, it cannot be believed that he would not render any assistance at all to his mother and brothers if they are in indigent circumstances. Another fact to be noted is that the applicant himself is 32 years old and he is not a student. His younger brothers are all grown up and are not studying. The only daughter of late Venkanna had already been married. The family is in receipt of a family pension of Rs.780/- and relief there on. It owns landed property extending to 3:75 acres. The applicant and his two younger brothers being grown up, must be now able to stand on their own legs though they are not employed under the government. They must be able to ~~make~~ make out their living without difficulty. With four <sup>of whom</sup> grown up sons, ~~of course~~ one is employed under the government, possessing landed property and with no liability <sup>in</sup> condition of this family cannot be considered indigent.

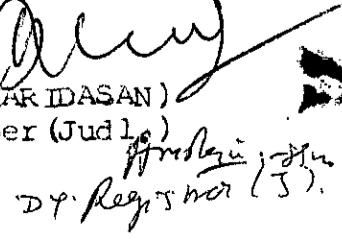
2. On these facts of the case, we do not consider that the family is in indigent circumstances needing employment assistance on compassionate grounds. The law ~~has been~~ well settled that when there is an earning member, compassionate appointment is not justified to any other member of the family. Therefore, we do not find a case to be gone into, and, therefore, we reject the application under Section 19 (3) of the Administrative Tribunals Act. No order as to costs.

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

  
(A.V. HARIDASAN)  
Member (Judg.)

Dated : 22nd July, 1994

(Dictated in Open Court)

  
D.P. Registrar (J.)

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