

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.938/94.

Dt. of Decision : 7-10-94.

R. Sankara Rao

.. Applicant.

Vs

1. Sr. Superintendent of Post Offices,
Visakhapatnam.
2. Postmaster General,
Visakhapatnam.
3. Chief Postmaster General, APCircle,
Hyderabad.
4. Director General of Posts,
Dak Bhavan, Parliament Street,
New Delhi - 1.

.. Respondents.

Counsel for the Applicant : Mr. V. Venkataramana

Counsel for the Respondents : Mr. K. Bhaskar Rao Addl. CGSC.

CORAM:

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

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

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25/10/94
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OA 938/94.

Dt. of Order: 7-10-94.

(Order passed by Hon'ble Shri A.V. Haridasan,
Member (J)).

* * *

This is an application by one of the sons of deceased Shri R. Pakeer Naidu, who died while in service on 12-1-85, praying for a direction to the Respondents to appoint him as a Postal Asst. on compassionate grounds. Shri Pakeer Naidu left behind his widow, 4 sons and a daughter. Immediately after the death of Shri Pakeer Naidu, a request was made seeking compassionate appointment for the applicant. Vide letter dt. 12-1-88, Annexure A-3, the applicant was informed that his case for compassionate appointment was kept pending for want of vacancies but ultimately by the impugned order dt. 20-5-94, the applicant was informed that his case for compassionate appointment has been considered and rejected as the family could not be considered to be in indigent circumstances. It is in these circumstances, ^{that} the applicant has filed this application.

2. Shri Bhaskar Rao learned standing counsel for the Respondents under instructions from the Respondents states that the eldest brother of the applicant is employed in a private company and the next brother is serving in the defence force and that the applicant and his younger brother are engaged in operating Auto Rikshaws. Under these

2nd P.
As

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Copy to:-


1. Sr. Superintendent of Post Offices, Visakhapatnam.
2. Postmaster General, Visakhapatnam.
3. Chief Postmaster General, A.P. Circle, Hyderabad.
4. Director General of Posts, Dak Bhavan, Parliament Street, New Delhi-1.
5. One copy to Sri. V. Venkataramana, advocate, CAT, Hyd.
6. One copy to Sri. ^{Addl.} K. Bhaskar Rao, CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy


Rsm/-

4 m 2000
Mr. Ratilal

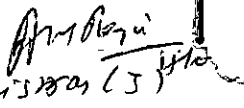
(18)

circumstances, while the family is in receipt of family pension about Rs. ⁷⁰⁰~~500~~/- p.m., the Committee on a consideration of the over all background of the family in comparison with other cases, came to the conclusion that the applicant's family cannot be considered to be in indigent circumstances ~~and~~ deserving employment assistance on compassionate grounds. Shri Bhaskar Rao, learned counsel for the Respondents further stated that this decision cannot be considered as unreasonable or perverse. Having perused the ~~records~~ and material before us and having heard counsel for both sides, we are of the considered view that the decision taken by the competent authority in rejecting the claim of the applicant for compassionate appointment cannot be faulted. The Supreme Court in its recent ruling rendered in Auditor General of India Vs. Anantha Rajeshwara Rao made it clear that any appointment on compassionate grounds other than in case ^{where the} of bread winner of a family died in harness leaving the family in distress without any earning member ~~cannot be~~ will be violative of Article 14 and 16 of the Constitution of India. Under these circumstances we are convinced that the impugned order of the Respondents is justified. In the result, finding no merit the application is rejected under section 19(3) of the A.T. Act 1985. No order as to costs.


(A.S. GORTHI)
Member (A)


(A.V. HARIDASAN)
Member (J)

Dt. 7th October, 1994.
Dictated in Open Court.


Dy. Registrar (J)

avl/

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OA-9387ay
~~207-98/94~~

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(1)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(2)

Dated: 7/10/94

ORDER/JUDGMENT.

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

O.A.NO.

in
9387ay

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions.
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

NO SPARE COPY

Central Administrative Tribunal
DESPATCH
26 OCT 1994
HYDERABAD BENCH.

YLKR

18/10/94