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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 709/94.

Dt. of Decision : 23.6.94.

Mr. P. Narashimham

.. Applicant.

1. Chief Postmaster General,
A.P.Circle, Hyderabad.

2. Superintendent of Post Offices,
Ananthapur. .. Respondents.

Counsel for the Applicant : Mr. S. Rama Krishna Rao

Counsel for the Respondents : Mr. N.V.Raghava Reddy,
Addl. CGSC.

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

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

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OA 709/94.

Dt. of Order: 23-6-94.

(ORDER PASSED BY HON'BLE SHRI A.B.GORTHI,
MEMBER (A)).

* * *

The applicant who is the son of Sri P.Krishna Murthy, who was invalidated from service on medical grounds while ~~he~~ ~~was~~ working as a Group 'D' employee in the postal department, ~~has~~ filed this application seeking a direction to the Respondents to give him appointment on compassionate grounds.

2. The father of the applicant would have normally retired in 1995 but due to ~~physical~~ ailment had to be invalidated from service in 1992 with a meagre pension of Rs.425/- p.m. The family of the employee consists his wife, two sons and two daughters. It ~~is~~ ^{has} now fallen upon the shoulders of the applicant to maintain the large family with the meagre pension of Rs.425/- pm given to his father. His request for compassionate appointment was turned down on the ground that all the children of the employee are grown up and hence there was not much of liabilities needing immediate help.

3. Heard learned counsel for both the parties.

4. In Auditor General of India & others Vs. Sri G.Ananth Rajeswara Rao (1994 SCC (L&S) 500), the Hon'ble Supreme held, inter alia, as under :-

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"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 need of assistance in the event of there being no 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 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 dies in harness from economic distress. In other respects Article 16(2) is clearly attracted."

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5. In view of what has been laid down in the above judgment, it would be violative of Article 16(2) of the constitution if appointment to the applicant is given on the ground of descent. The O.A. is therefore rejected at the admission stage itself. No order as to costs.

T. Chandrasekhar Reddy
(T.CHANDRASEKHAR REDDY)
Member (J)

A.B. Gorthi
(A.B.GORTHY)
Member (A)

Dt. 23rd June, 1994.
Dictated in Open Court.

Deputy Registrar
Deputy Registrar(Judl.)

avl/

Copy to:-

1. Chief Postmaster General, A.P.Circle, Hyderabad.
2. Superintendent of Post Offices, Ananthapur Division, Ananthapur.
3. One copy to Sri. S.Ramakrishna Rao, advocate CAT, Hyd.
4. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hy
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

H. M. Reddy
24/6/94

O.A. 709/94.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND

MR. A. S. G. RITHI : MEMBER(A)

AND

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

AND

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

Dated: 23/6/1994.

ORDER/JUDGMENT: ✓

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

in

O.A.No.

709/94

~~T.A.No.~~

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed. *Admission fees*

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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29/6/94.

