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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 155/94.

Dt. of Decision : 1.7.94.

Mr. R. Venkateswara Rao

.. Applicant.

Vs

1. Union of India represented by
The Chief Post Master General,
Hyderabad.
 2. The Post master General,
Visakhapatnam.
 3. The Superintendent, RMS
'V' Division, Visakhapatnam.
- .. Respondents.

Counsel for the Applicant : Mr. K.S.R. Anjaneyulu

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

CORAM:

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

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JSR.
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O.A.No.155/94

Dt. of decision: 1-7-1994.

ORDER

(As per the Hon'ble Sri A.B. Gorthi, Member (A))

The prayer of the applicant is for a direction to the respondents to provide him with an appointment on compassionate grounds.

2. The applicant's father died on 28-8-91 while in service in the post of Mailman in the RMS-'V' Division, Visakhapatnam. The applicant is the second son. The family comprises mother of the applicant, two other brothers and two sisters. Both the sisters of the applicant are married. The eldest brother, according to the enquiries made by the respondents, left home for Quwait but returned to India on the death of the father. Immediately thereafter he again left home and went to Bombay for trying to go back to Quwait. Presently he is working as an Assistant and he is earning about Rs.800/- per month.

3. The request made by the widow for appointing her second son on ~~the~~ compassionate grounds was rejected by the respondents, essentially on the ground that one of the sons of the late employee is earning his own livelihood, the other two sons completed their education and the two daughters are married.

4. A perusal of the record would indicate that on the death of the employee the family received meagre terminal benefits to the tune of about Rs.38,828/- only. The family pension which is presently Rs.442 plus relief will be reduced

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to Rs.375/- plus relief w.e.f. 1998. In the representations made by the widow it was repeatedly stated that the applicant having suffered prolonged illness (paralysis) the family ran into debts. This aspect of the matter seems to have been confirmed by the representative of the respondents also who came to the conclusion that on the death of the employee the family had the financial liability to the extent of Rs.35,000/-. It was also found out by the concerned officials that the

5. As regards the fact that the eldest son is working in Bombay and earning about Rs.800/- per month, ^{it} would not by itself show that the family is receiving any assistance from him. It would be reasonable to conclude that the eldest son is of no financial assistance to the family.

6. There is no doubt that keeping in view the limited number of vacancies available to be filled up in the quota meant for compassionate appointments, cases for such appointment required to be judiciously considered by the officials concerned taking into consideration comparative merits of each case. In the instant case, however, I am of the considered view that the family of the applicant can by no means be said to be out of ~~the~~ financial difficulty. The PMG, Visakhapatnam was right in recommending the case of the applicant for sympathetic consideration by the Circle Selection Committee. If the Circle Selection Committee found that there were ^{more} ~~no~~ deserving cases, the said finding cannot be faulted. However, there is no reason why the case of the applicant should not be reconsidered keeping in view our above observations.

7. In the result, ^{it} ~~we dispose of~~ ^{is disposed of} this OA ² with a direction to the respondents to reconsider the case of the applicant for appointment on compassionate grounds. If there are no

vacancies immediately available, the name of the applicant, if selected, could be kept in the wait list.

8. The OA is ordered accordingly. No order as to costs.

(Signature)
(A.B. Gorthi)
Member (A)

Dated 1st July, 1994
Open Court Dictation

(Signature)
11-784
Deputy Registrar (Judl.)

Copy :-

1. The Chief Post Master General, Union of India, Hyderabad
2. The Post Master, General, Visakhapatnam.
3. The Superintendent, RMS 'V' Division, Visakhapatnam.
4. One copy to Sri. K.S.R. Anjaneyulu, advocate, CAT, Hyd.
5. One copy to Sri. M.V. Raghava Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

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

AND

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

AND

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

Dated: -1/7/1994.

ORDER/JUDGMENT:

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

O.A.No.

in

155/94

T.A.No.

(H.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

