

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 489/94.

Dt. of Decision : 3-10-94.

Nazeer Hussain

.. Applicant.

Vs

1. Sub-Divisional Inspector
of Post Offices,
Nizamabad Dist.
2. Sr. Superintendent of Post Offices,
Nizamabad Division,
Nizamabad.
3. Post Master General,
Hyderabad Region,
Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. V. Venkataramana

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

CORAM:

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

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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23/11/94

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O.A.No.489/94

Dt. of decision:3-10-1994.

O R D E R

(As per the Hon'ble Sri A.V. Haridasan, Member (J))

This is the third round of ~~litigation between~~ applicant and the respondents in regard to ~~his~~ claim for ~~of~~ the compassionate appointment. The applicant's father late Mohd. Hussain expired on 12-3-87 while working as ^{ED} B.P.M., Korpoly village, Lingampet Mandal. On the request of the applicant the applicant was provisionally appointed as EDBPM w.e.f. 26-3-87. However, his services were terminated on 8-2-88 on the ground that he was not a permanent resident of Korpoly village. The applicant submitted a representation on 15-2-88 to the 3rd respondent for appointment as EDBPM, Korpoly village on compassionate grounds. The 3rd respondent vide his order dt.17-8-88 directed the 2nd respondent to consider the case of the applicant on merits. The post of EDDA in Lingampet fell vacant in September, 1992. Though the applicant was one of the applicants he was not selected and appointed to that post. As the claim of the applicant for compassionate appointment was pending for a long time the applicant had filed the O.A.No.127/93. This application was disposed of directing the respondents to dispose of the ~~representa~~ ^{tion}. In pursuance to the above direction contained in the order in OA No.127/93 the 2nd respondent passed an order dt.16-3-93 rejecting

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the claim of the applicant for compassionate appointment on the ground that the applicant was owning landed properties and a house, and therefore was not in indigent situation. The applicant challenged the above order in O.A. 760/93 putting forth a case that the landed properties were disposed of by him. This OA was also disposed of by order dt.10-9-93 directing the respondents to reconsider the whole issue. After reconsideration the impugned order was issued rejecting the applicant's request for compassionate appointment, ^{nor} ~~on~~ the ground that the family could be considered to be in indigent circumstances, as the applicant has not substantiated his case ~~.....~~ ^{.....} ~~.....~~ ^{.....} ~~.....~~ by producing a registered sale deed, as he ^{is} in possession of some land and a residential house, and as it was revealed from the M.R.O.'s report that the applicant is practising as a medical practitioner in the village. It is challenging this order that the applicant has filed this application for a direction to the respondents to appoint him as EDA on compassionate grounds.

2. In response to notice issued before admission, the respondents filed a statement opposing the application. They contended that the case of the applicant that he had sold 4 acres and 4½ guntas of land has not been substantiated by production of registered sale deed, that the ---- of a house in Lingampet, and another piece of land measuring 21 guntas in Mangaram village that he is practising as a medical practitioner in the village, and that under these circumstances, there is no justification to appoint the applicant on compassionate grounds.

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3. We have heard Sri V.V. Ramana, counsel for the applicant and Sri N.V. Ramana, counsel for the respondents and have carefully gone through all the material papers. At the outset, we would advert to the fact that the scheme for compassionate appointment is intended only to save the family of employees dying in harness from starvation and extreme indigence and not with a view to provide the sons or daughters or widows of all government employees dying in harness with employment opportunities. Here is a case where the applicant himself is 31 years old and all his four sisters have been married away. An able bodied youngster of 31 years should normally be a dependant mother. The applicant undisputedly is in possession of a residential house at Lingampet and he is in possession of, 21 guntas of land in Mangaram village. The claim of the applicant that he has disposed of 4 acres 24½ guntas of land for the purpose of marrying away his sisters was not substantially before the authorities by production of a registered sale deed. The applicant himself has got his own avocation which according to the respondents is that of a Medical Practitioner, while according to him, is only an assistant under a Compounder. whatever it is the applicant has got an avocation from which he earns an income. The post of Extra Departmental Agent also is not a lucrative one. Even if the deceased father was alive, he would have earned only a meagre amount as the allowances as an EDA. With the income that applicant gets from his avocation whatever it is, with the possession

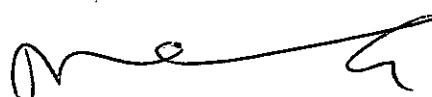
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of a residential house, ^{and} some property, we are convinced that the applicant and his mother should be able to get on without assistance from any other quarter.

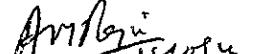
4. In the light of what is stated above, we do not consider that the impugned order of the respondents holding that the applicant's family ~~does~~ did not deserve employment assistance on compassionate grounds is perverse on devoid of application of mind. Therefore, the application has to fail ^{and} as the same is rejected at the admission stage itself leaving the parties to bear their own costs.



(R. Rangarajan)
Member (A)



(A.V. Haridasan)
Member (J)


Dy. Registrar (Jud1.)

Dictated in Open Court
Dt. 3rd October, 1994

kmv

Copy to:-

1. Sub Divisional Inspector of Post Offices, Kamareddy, Nizamabad Dist.
2. Sr. Superintendent of Post Offices, Nizamabad Division, Nizamabad.
3. Post Master General, Hyderabad Region, Hyderabad.
4. One copy to Sri. V. Venkataramana, advocate, CAT, Hyd.
5. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

Shri
M. A. Itoor

OA-489/ay

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

R. Ranga Raju
THE HON'BLE MR.A.B.GORTHI : MEMBER (A)

Dated: 3/10/94

ORDER/JUDGMENT.

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

D.A.NO.

in
489/ay

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.

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