

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 509/94.

Dt. of Decision : 4.1.95.

P.B. Narayana Rao

.. Applicant.

Vs

1. The Supdt. of Post Offices,
PIN: 505 201, Abids Circle
2. The Chief Postmaster General, A.P.
Circle, Dak Sadar, Abids Circle,
Hyderabad-500 001.
3. The Director General of Posts,
Bak Bhavan, Sandad Marg,
New Delhi-110 001.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan

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

CORAM:

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

O.A. 509/94.

Dt. of Decision : 4.1.95.

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The applicant is the son of Shri P.Nanjunda Narayana, who retired from service on invalid pension with effect from 17.12.1983. His request is for a compassionate appointment.

2. The applicant is the second son of the employee. He has an elder brother and a younger brother. The retired official is in receipt of pension of Rs.501/-+ relief. When initially the father of the applicant ~~was~~ ^{was} seeking employment assistance to his second son (the applicant), the respondents stated that there ~~was~~ ^{were} no vacancies in the division. Once again vide memo dated 18.4.1985 the respondents stated that the case would be considered as and when vacancies became available. Thereafter several representations were made to the authorities concerned but they were ~~officially~~ rejected as can be seen from the letter of the Office Superintendent of Post Offices, Hindupur dated 22.3.1990. Once again in 1991 the applicant was informed that his case was reconsidered but ~~it not~~ ^{was} approved ~~by~~ the Circle Selection Committee.

3. The respondents in their reply affidavit firstly took an objection to the maintainability of the DA on the ground that the case of the applicant was considered by the circle selection committee on 21.11.1989

and was rejected and the applicant was informed accordingly on 8th 11th 1990. ~~on the question of limitation.~~

4. We have heard learned counsel for both the parties. The contention of Shri Krishna Devan, learned counsel for the applicant is that aggrieved by the decision of the circle selection committee, the applicant made representation to the higher authorities and as such the delay in approaching the Tribunal may be condoned. Although, the grounds urged for condonation of delay are not sufficiently strong but keeping in view the fact that the prayer in the OA is for a compassionate appointment, the same is examined on merits.

5. The respondents stated that the father of the applicant retired on medical invalidation on 17.12.1983, Division. The family consisted of not only the employee and his wife, ^{but also} his three sons, the applicant being ^{the} second son. According to the respondents the retired employee ~~is~~ ^{is} manning a milk-store at Dharmavaram and his first son Shri P. Ananda Rao is working as Village Administrative Officer, Gantumilli. They further contended that even the applicant was working for Andhra Jyothi Daily and that the third son Shri P. Sriprasad is an L.K.C. Agent. Under these circumstances the circle selection committee came to the conclusion that the family of the applicant was not in such indigent circumstances as ^{to} justify appointment on compassionate grounds.

6. Heard learned counsel for both the parties. Shri Krishna Devan, learned counsel for the applicant stated that the family was trying its best to make both ~~ends meet~~ by taking up miscellaneous jobs, but none in the family has any regular source of income. As regards the eldest son

he was unfortunately removed ~~from service~~ from the State Government service vide order dated 6.4.1994. It has further been contended by Shri Krishna Devan that as per Ministry of Personnel Public Grievances and Pensions memo dated 24.3.1994, the son or daughter of a Government servant retired on medical grounds is eligible for compassionate appointment.

7. Shri N.V.Raghava Reddy, learned standing counsel for the respondents has drawn my attention to the judgement of the Supreme Court in Auditor General of India and others Vs. G.Ananta Rajeswara Rao, (AIR 1994 Supreme Court 1521). Relevant portion of the judgement is reproduced below:

"Therefore, the High Court is right in holding that the appointment on grounds of descent clearly violates Art. 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 means for 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 cannot be a rule to take advantage of 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

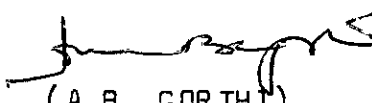
assist the family to relieve economic distress by sudden demise in harness of Govt. employee is valid. It is not on the ground descent simpliciter, but exceptional circumstance for the ground mentioned. It should be circumscribed with suitable modification by an appropriate amendment to the memorandum limiting to relieve the members of the deceased employee who died in harness, from economic distress. In other respects Art. 16(2) clearly attracted."

8. ~~Notwithstanding what has been observed by the~~ Personnel Public Grievance and Pensions came to the conclusion that the son or daughter of a Government employee who is retired on medical grounds would be eligible for compassionate appointment. In any case, servant who is medically invalidated is entitled to compassionate ~~appointment~~ need not be considered here. It is so because the respondents did consider the case of the applicant not once ~~but thrice~~, ^{but} ~~but~~ did not ^{find} ~~consider~~ it as a fit case for appointment on compassionate grounds.

9. In a case of compassionate appointment what is important for the Tribunal to ascertain is whether or not the case of ^{the} ~~claimant~~ received due ^{and} ~~of~~ fair consideration. ^{the} ~~of claimant's~~ request has been duly considered by ^{the} ~~a~~ competent committee and ^{if} ~~the~~ decision of the said committee cannot be Tribunal to interfere therewith. In the instant case from the material before me, I find that the case of the applicant received a very fair consideration by the duly constituted

circle selection committee. If under the circumstances the committee came to the conclusion ^{that} ~~of~~ the family of the applicant was not in such indigent circumstances as would justify giving compassionate appointment to the applicant, it will not be proper for me to come to a different conclusion.

and the same is dismissed. No costs.


(A.B. GORTHI)
MEMBER (ADMN.)

Dated : The 4th January 1994.
(Dictated in Open Court)


DEPUTY REGISTRAR(J)

Copy to

1. The Superintendent of Post Offices,
Hindupur Division, Ananthapur District
2. The Chief Postmaster General, A.P.Circle,
Dak Sadan, Abids Circle, Hyderabad - 500 001.
3. The Director General of Posts, Dak Bhavan,
Sansad Marg, New Delhi - 110 001.
4. One copy to Mr.Krishna Devan,CAT,Hyderabad.
5. One copy to Mr.N.V.Raghava Reddy,Addl.CGSC,CAT,Hyderabad.
6. One copy to Library,CAT,Hyderabad.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

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

AND

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

DATED : 4.1.95

ORDER/JUDGEMENT.

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

in

D.A.No. 509/94

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

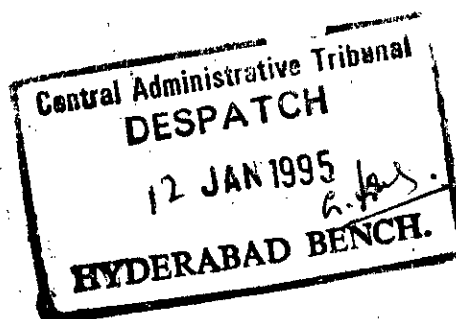
Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

No spare copy



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