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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
O.A.NO.939 of 1995.

Between

Dated: 11.8.1995.

Chinta Suseelamma

...

Applicant

And

1. The Sr. Superintendent of Pos, Ongole.
2. The Chief Postmaster General, A.P.Hyderabad.
3. The Director General, Dep.t of Posts (reptg. Union of India), New Delhi.

...

Respondents

Counsel for the Applicants : Sri. C.Suryanarayana

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

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-2-

O.A. 939/95.

Dt. of Decision : 11-08-95.

ORDER

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

The prayer of the applicant is for a direction to the respondents to appoint her, on compassionate grounds, as EDBPM, Vittalapurem P.O.

2. The applicant is the young widow of Late Shri Chinta Anjaiah, who while in service as EDBPM, Vittalapurem P.O. died on 71-04-1995 after having served the department for nearly 12 years. The employee had to undergo prolonged suffering on account of Kidney failure which finally proved fatal. The applicant states that she had to spend considerable amount of money for the treatment of her late husband. On the death of her husband she applied for appointment as EDBPM but her request was turned down by the Sr. Superintendent of Post offices, Prakasam Division vide impugned memo dated 06-06-1995. The said memo clearly stated that as the applicant does not possess the minimum educational qualification her case could not be considered.

3. Heard learned counsel for both the parties. Shri C. Suryanarayana, learned counsel for the applicant states that the applicant passed 8th standard and that the authorities concerned have the requisite power/discretion to relax the educational qualification in respect of applicant for compassionate appointment. In this connection he has referred to the clarification No-2 contained in the Chief Postmaster General, A.P. Circle, Hyderabad circular letter dated 07-07-95 under which a copy of the Directorate letter dated 26-05-95 was circulated for information. As per the said clarification the powers to relax the educational qualifications can be exercised either by the PMG(Region) or CPMG for units under his direct

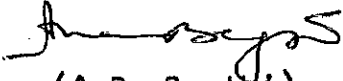
charge. The clarification further lays down that whenever it becomes necessary to relax the minimum essential qualification, the condition should be imposed that the person appointed after relaxation of minimum educational qualifications would become eligible for recruitment in Departmental Group 'D'/ Postmen cadres only after they attain the prescribed educational qualifications applicable to the E.O. Agents against which they are appointed.

4. Shri N.R. Devaraj, learned standing counsel for the respondents has clarified that with effect from 12-03-1993 the minimum educational qualification for appointment as EDBPM is matriculation. There is no dispute that the request of the applicant for appointment on compassionate ground was rejected by the Sr. Superintendent of Post Offices and that her case was not forwarded either to the PMG (Region) or CPMG for relaxation of the minimum education^{-al} qualification as stipulated in clarification No-2, referred to above. In view of this Shri N.R. Devaraj, learned counsel for the respondents states that there would be no objection for the case of the applicant to be re-considered either by the PMG (Region) or CPMG as per the extant instructions governing the subject. The latest instructions governing the subject were perhaps not received by the Sr. Superintendent of Post Offices, Prakasam Division when he rejected the case of the applicant.

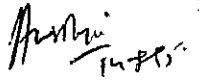
5. In view of the above, I am of the considered view that this OA should be disposed of at the admission stage itself with appropriate direction to the respondents. Accordingly the Chief Post Master General, A.P.Circle (Respondent No.2) is hereby directed to consider the case of the applicant for appointment, on compassionate grounds, to the post of EDBPM,

(24)

Vittalapuram P.O. keeping in view the relevant instructions with regard to the relaxation of minimum educational qualification, applicable to such cases. Needless for me to add that in considering the case of the applicant, respondent No-2 shall take into consideration all other relevant factors also before coming to ^afinal decision. His decision shall be communicated to the applicant within a period of three months from the date of communication of this direction ^{be} means of a reasoned order. Pending a final decision in the matter by Respondent No-2, the post of EDSBM, Vittalapuram P.O. shall not be filled on regular basis.


(A.B. Gorthi)
Member (Admn.)

Dated : The 11th August 1995.
(Dictated in Open Court)


Deputy Registrar(J)

Copy to:-

1. The Sr. Superintendent of Pos, Ongole-001.
2. The Chief Postmaster-General, A.P.Hyderabad-001.
3. The Director General, Dept of Posts(reptg. Union of India), New Delhi-001.
- spr 4. One copy to Sri. C.Suryanaryana advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

cc by
14/8/95
TYPED BY
COMPARED BY

OA 939/95
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.B. GORTHI, ADMINISTRA-
TIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 11/8. . 1995.

~~M.A./R.A./C.A.NO.~~

IN

O.A.NO.

939/95

T.A.NO.

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

Rsm/-

no spare copy

