

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.1 of 1995.

Between

Dated: 5.4.1995.

S.Sreenivasulu

• • •

Applicant

vs.

Union of India represented by:

1

Respondents

Counsel for the Applicant

Sri. K.S.R.Anjaneyulu

Counsel for the Respondents

: Sri. V. Shimanne, Addl. CGSC.

CORAM:

Hon'ble Mr. A.V.Garidason, Judicial Member

► Member

Contd:...2/-

29
O.A.No.1/95

Date of Order: 5.4.95

As per Hon'ble Shri A.V.Haridasan, Member (Judl.)

The Applicant's father Narasimhappa died at the age of 48 years in the year 1984 while working as Mail Overseer. Sri Narasimhappa was survived by his widow one unmarried daughter and the applicant. The daughter has since been married. As the applicant was a minor on the date of death of his father, immediately on his attaining the age of majority, his mother made a request for compassionate appointment. In the representation, the indigent circumstance of the family was narrated. The request of the applicant's mother for compassionate appointment for her son was turned down by order dated 4.2.89. Dissatisfied by the above order and also finding it difficult to pull on, the applicant's mother made further representations. One such representation was made to the Minister also. It was finding no response to this, then the applicant has filed this application praying that the respondents may be directed to appoint him in a suitable post taking into account to which the family had been reduced on account of the death of the bread winner. The total amount received by the family on the death of the applicant's father by way of reti benefits amounted to Rs.5748/- as D.C.R.G., Rs.179/- as G.P.F. Rs.20486/- as G.I.C. besides this the family is in receipt of the minimum family pension of Rs.375/- and the relief ther

2. The respondents resist the claim of the applicant on the ground the Circle Selection Committee which consider the case of the applicant, did not find that the family is in indigent circumstances as the family now consists only of the

... 3 ...

widow and a son, and that, with the family pension, the small family would be able to get on with out assistance.

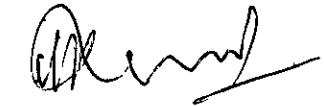
3. We have heard learned counsel for both the parties. We have also perused the pleadings and seen the file which lead to the rejection on the request of the applicant for compassionate appointment. The scheme for grant of employment assistance on compassionate grounds was evolved with a view to help the family of an employee dying in harness leaving the family under extreme poverty. Here is a case where the family is left with the minimum family pension and a meagre amount, by way of terminal benefits. The terminal monetary benefits must in the normal course have been consumed for the marriage expenses of the daughter. It is the case of the applicant that the family is not possessed of any property. The file also discloses that the family does not own any property. A family pension of Rs.375/- and its relief in these days cannot be considered as sufficient for a family of even two to get on. Going through the file which lead to the rejection of the claim of the applicant we are not satisfied that the circumstances of the case, the fact that the family is not possessed any property or even a residential house had not been taken into account. A comparative study of similar cases also had not been made. Therefore we are of the considered view that the competent authority had not considered the case of the applicant for compassionate appointment, in the manner, in which it should have been considered. Hence we feel that it would be in the interest of the justice to direct the respondents to have the case of the applicant for compassionate appointment considered taking into account all the relevant aspects in the light of what is stated above.

(31)

.. 4 ..

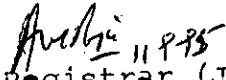
4. In the result, the OA is disposed of at the admission stage itself with a direction to the respondents to have the case of the applicant considered in the proper way in the light of what is stated above within a period of 3 months and to consider the applicant for appointment to a suitable post, in case, the competent authority holds that the family deserves employment assistance on compassionate grounds. No order as to costs.


(A.B.GORTHI)
Member (Admn.)


(A.V.HARIDASAN)
Member (Judl.)

Dated: 5th April, 1995

(Dictated in Open Court)


Deputy Registrar (Judl.)

Copy to:-

1. The Secretary, Department of Posts, Government of India, New Delhi.
2. The Chief Post Master General, A.P.Circle, Hyd.
3. The Post Master General, Southern Region, Kurnool.
4. The Superintendent of Post Offices, Hindupur.
5. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
6. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/

07-1/95

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

from Mr. A. V. Hanuman, Jm.

HON'BLE MR. A. B. GORTHI, ADMINISTRATIVE
MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: 5.4.1995.

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

IN
O.A. NO. 1/95

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/-

Central Administrative Tribunal
DESPATCH

22 SEP 1995 NAY

HYDERABAD BENCH