

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

HYDERABAD

O.A.NO.346/95

Between:

Date of Order: 20.3.95.

Kum. P.Sujatha

...Applicant.

And

1. The Telecom District Manager,
Kurmool Dist., A.P.,
2. The Chief General Manager,
Telecommunication Department,
Door Sanchar Bhavan, Abids,
Hyderabad.

...Respondents.

Counsel for the Applicant : Mr.D.P.Kali

Counsel for the Respondents : Mr.N.R.Devraj, Sr.CGSC

CORAM:

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

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

contd...

O.A.No.346/95

Date of Order: 20.3.95

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

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The applicant has filed this application originally set aside and be quashed and also for a direction to the respondents to appoint her on compassionate grounds as also for the terminal benefits of Sri Abdulla who died while in service.

2. When the application came up for admission on 10.3.95 the applicant limited the prayer only for compassionate appointment. Now the application has come up for hearing on admission for the relief of the applicant for grant of compassionate appointment.

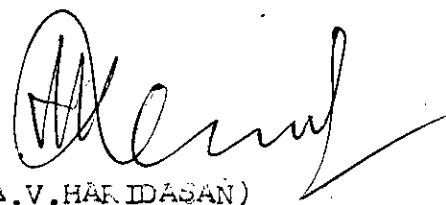
3. We have heard Mr.D.P.Kali, learned counsel for the applicant and Mr.N.V.Ramana, learned standing counsel for the respondents. The applicant is said to be the nominee of the deceased Sri Abdulla who died while in service under the first respondent. She claims appointment on compassionate grounds on the ground that she is the nominee of Sri Abdulla and she is unemployed. The scheme of compassionate appointment was evolved with an idea of helping the dependent family members of the deceased government employee, who can be given compassionate appointment on account of the death of the bread winner, driven to extreme indigence. Compassionate appointment only to widow, son or a daughter while the government servant dies leaving the family without a bread winner, has been saved by the rule of the Hon'ble Supreme Court in Auditor General of India Vs. G.Anantha Rajeswara Rao reported in 1994 SCC (L&S)

500. The Supreme Court has held that the appointment on compassionate grounds in any other cases will be violative of the provisions under Article 16(2). The applicant is not a member of the family of the deceased. There is no provision in Mohammadian law for adoption of a daughter or daughter-in-law. Therefore, the applicant cannot be considered to be an adopted daughter or daughter-in-law. Therefore, there is no basis for the applicant's claim for appointment on compassionate grounds.

4. In the light of what is stated above there is nothing in the application for admission. Therefore, we reject the application under Section 19(3) of the Administrative Tribunals Act. However, it will be open for the applicant to seek any relief on the basis of her nomination for collection of terminal benefits of Sri Abdulla if she is so advised. No order as to costs.



(R. RANGARAJAN)
Member (Admn.)



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

Dated: 20th March, 1995

(Dictated in Open Court)

sd


DEPUTY REGISTRAR(J)

To:

1. The Telecom District Manager,
Kurnool, Kurnool District, A.P.
2. The Chief General Manager,
Telecommunication Department,
Door Sanchar Bhavan, Abids,
Hyderabad.
3. One copy to Mr.D.P.Kali, Advocate,
2-2-1164/15/B, Tilaknagar, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC,CAT,Hyderabad.
5. One copy to Library,CAT,Hyderabad.
6. One copy to spare.

YLKR

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

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

AND

R. Rangarajam
THE HON'BLE SHRI A.B. GORTHI: MEMBER (J)

DATED 20.3.95

ORDER/JUDGMENT

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

in

O.A.NO. 346/95

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

OA
Rejected/Ordered.

No order as to costs.

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