

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.396/95

dated : 31-3-95

Between

Shaik Mahaboob Basha

: Applicant

and

1. Chief Post Master General
Hyderabad

2. Director of Postal Service
Kurnool

3. Supdt. of Post Offices
Nandyal

4. Sub-Divisional Postal Inspector
Markapur(SDI)
Prakasam Dist.

: Respondents

Counsel for the applicant

: M. Subba Reddy
Advocate

Counsel for the respondents

: V. Bhimanna
SC for Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. A.B. GORTHY, MEMBER (ADMN.)

CA.396/95

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

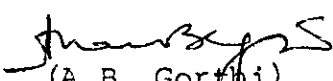
Heard Sri M. Subba Reddy, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for the respondents.

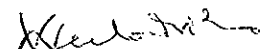
2. The applicant is the elder brother of late Sheik Mahboob Sharief. The latter was appointed ~~as~~ appointed as Extra Departmental Mail Carrier, V.R. Palli, on compassionate grounds, when Sharief, the applicant was appointed as EDMC on provisional basis. Notification dated 25-2-1995 was issued calling for applications for regular appointment as EDMC, V.R. Palli. The same is assailed in this OA.

3. It is pleaded and urged for the applicant that as he is the brother of the deceased, and as his deceased brother got the appointment on compassionate grounds, he has to be appointed as EDMC, V.R. Palli on compassionate grounds and hence the impugned notification is illegal. The Apex Court held in 1994 26 ATC 580 (Auditor General of India & others vs. G. Ananta Rajeswara Rao), that the provisions in regard to the compassionate appointment of those other than the spouse, son, and unmarried daughters are violative of Article 16 of the Constitution. Hence the claim for the applicant that he has to be appointed on compassionate grounds when he is the brother of the deceased, has to be negatived.


4. If the applicant is entitled to the appointment to the post of EDMC on any other ground, then this order of dismissal does not debar him to make a representation regarding the same.

5. Subject to the above, this OA is dismissed at the admission state. No costs./


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


(V. Neeladri Rao)
Vice Chairman

Dated : March 31, 95
Dictated in Open Court


Deputy Registrar(J)CC

To

1. The Chief Postmaster General, Hyderabad.
2. The Director of Postal Service, Kurnool.
3. ^{sk} The Superintendent of Post Offices, Nandyal.
4. The Sub Divisional Postal Inspector,
Markapur (SDI) Prakasam Dist.
5. One copy to Mr.M.Subba Reddy, Advocate, 3-6-725
Street No.1, Himayatnagar, Hyderabad.
6. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE- CHAIRMAN

AND

A. B. Gorthi
THE HON'BLE MR. R. RANGARAJAN: M (ADMN)

DATED - 31 - 3 1995.

ORDER/JUDGMENT:

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

O.A.No.

T.A.No.

in

396/95

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed. *at the admission
stage*

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No.order as to costs.

no spare copy

