

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A. 1049/96.

DT. of Decision : 30-09-96.

Smt. B.K.Nagamma

.. Applicant.

Vs

1. The Surveyor General of India,  
Dehradun, U.P.
  2. The Addl. Surveyor General of India,  
Survey Training Institute,  
Uppal, Hyderabad-39.
- .. Respondents.

Counsel for the Applicant : Mr. K.K.Chakravarthy

Counsel for the Respondents : Mr. V.Rajeswara Rao, Addl. CGSC.

CORAM:

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

ORDER

ORAL ORDER (AS PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

~~None for the applicant, None for the respondent~~

1. Though this OA was posted on 6-9-96, the counsel for the applicant was not present. By order dated 10-09-96 the case was adjourned ~~to~~ 17-9-96 at the request for the applicant's counsel. Once again on 17-9-96 the case was listed today at the request for the applicant's counsel. It was stated in the docket order on 17-9-96 that no further adjournment will be given beyond 30-9-96. In spite of the above, the applicant's counsel was not present to-day. Hence, the OA is disposed of on the basis of materials available on record.

2. The applicant in this OA is the wife of one late Mr. M. Munu Swamy, who worked as Mali in the Survey Training Institute, Survey of India, Uppal. He died on 8-10-94 while in service after putting in a service of 32 years. ~~xxxxxx~~ The applicant was paid gratuity of Rs. 38,130/-, Insurance of amount of Rs. 15,000/- ~~xxxx~~ besides family pension of Rs. 375/- with relief.

3. She filed OA. 710/96 which was disposed of on 18-6-96. It was directed in that order that R-2 in that OA should reconsider the issue of granting compassionate ground appointment to her son Mr. Venkate Swamy on the basis of the extant rules and regulations duly noting the financial condition of the family and give suitable reply to the applicant within a period of two months from the date of receipt of a copy of that order. In pursuance of the direction the respondents have replied to her rejecting her request for compassionate ground appointment to her son by the impugned order Non.C-6653/11-G-23(CA)/STI dated 9-7-96 (Annexure-2).

2

-3-

This OA is filed praying for a direction to the respondents 1 and 2 herein to provide a job to the applicant's son Mr. Venkata Swamy on compassionate grounds in any suitable post of the Survey of India Organisation, Uppal, Hyderabad.

As can be seen from the prayer the applicant has not challenged the letter of the respondents dated 9-7-96 (Annexure-2) rejecting her request for compassionate ground appointment to her son passed in pursuance of the directions of this Tribunal in OA No. 710/96. When this order is not challenged no relief normally can be granted. Be that as it may, I have gone into the details of the reasoning given by the respondents in rejecting her case. As seen from the letter dated 9-7-96 the applicant has got only a son and a daughter. The daughter is already married. The son of the applicant for whom the compassionate ground appointment is now sought for is aged ~~at~~ 35 years and is not handicapped to take up even manual job. The applicant has received a total amount of Rs. 74,752/- as terminal benefits due to the death of her husband. She is also drawing monthly pension of Rs. 1,371/- inclusive of relief and interim relief on the basis of pension. Though the applicant submits that she has to maintain her son and the final terminal benefits have been used to return the loans taken for the marriage of the daughter, such reasons cannot be plausible reasons for granting compassionate ground appointment. Consideration of the financial position is one of the methods to evaluate the reasonableness of the request for granting compassionate ground appointment. As held by the Apex Court in the reported case in (1994) 27 ATC 537 (Umesh Kumar Nagpal Vs. State of Haryana) that "The Government or the public authority <sup>concerned has</sup> to examine the financial

24

-4-

condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family".

In view of what is stated above, I see ~~xxxxxxx~~ no reason for allowing this OA. Hence, the OA is dismissed as having no merits at the admission stage itself. No costs.



(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 30th Sep. 1996.  
(Dictated in Open Court)

*Prabhu*  
3-9-96  
DY Registrar (S)

spr

25

: 5 :

Copy:-

1. The Surveyor General of India, Dehradun, U.P.
2. The Addl. Surveyor General of India, Survey Training Institute, Uppal, Hyderabad.
3. One copy to Sri. K.K.Chakravathy, advocate, CAT, Hyd.
4. One copy to Sri. V.Rajeswar Rao, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

22/10/96  
1049/96  
Typed By  
Compared by

Checked By  
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED: 30/9/96

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

O.A. NO. 1049/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED  
DISPOSED OF WITH DIRECTIONS  
DISMISSED  
DISMISSED AS WITHDRAWN  
ORDERED/REJECTED  
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spall

