

(19)

(IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

O.A. NO.358/96

Between:

Date of Order: 19.3.96.

B.B.Ch.Moulidhara Rao

...Applicant.

And

1. The Superintendent of Post Offices,
Vizianagaram Division,
Vizianagaram.
2. The Postmaster General,
Visakhapatnam, Region,
Visakhapatnam.
3. The Chief Post Master General,
A.P.Circle, Hyderabad.
4. K.Adinarayana, E.O.B.P.M.,
Patha Baggam, Gajapathi~~nagaram~~ Mandalam,
Vizianagaram.

...Respondents.

Counsel for the Applicant : Mr.K.Venkateswar Rao

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

CORAM:

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

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(go)

-2-

O.A. 358/96.

Dt. of Decision : 19-03-96.

ORDER

1. As per Hon'ble Shri R. Rangarajan, Member (Admn.)

The applicant is the son of Late Shri B. Simhachalam, who died on 2-1-96 while working as EDBPM, Pathabaggam Post Office under Gajapathinagaram S.O. He had four sons and two daughters besides his widow. The applicant it is stated, had worked intermittently when his father was on leave as substitute EDBPM. It is also stated that he worked in the post of EDBPM probably on provisional basis after the death of his father. His mother submitted a representation addressed to R-3 dated 6-1-96 praying for appointment of the applicant as EDBPM Pathabaggam P.O. in the vacancy caused by the death of her ~~awarded~~ ^{awarded} husband. That representation it is ~~awarded~~ has not been replied so far. In the meantime R-4 was posted on a regular basis as EDBPM in that post office.

2. Aggrieved by the above he has filed this OA praying for a declaration that he is entitled for appointment on compassionate grounds as EDBPM of Pathabaggam P.O. of Gajapathinagaram S.O. under Vijayanagaram Head Office and that the posting of R-4 in that post as EDBPM is in disregard of provisions of letter No. 45-22/71-SPB.1/PEN dated 04-09-1982 ~~read~~ with letter No.17-85/93-ED&Trg. dated 02-02-1994 of the Director General of Posts and hence is illegal, arbitrary, discriminatory and also opposed to Articles 14 and 39(d) of the Constitution of India.

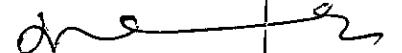
(2)

3. The applicant submitted that he has a big family to maintain and his father was a low paid employee and had not left behind enough resources to maintain his family. When his mother had applied for compassionate ground appointment in favour of applicant to the post held by her husband within four days after his death the respondents should have considered the applicant for that post in terms of para-2 of the letter No.17-85/93-ED&Trg. dt.2-2-94(Annexure-A-VI at page-12). As the applicant possessed the necessary qualifications there is no need to reject his case for compassionate ground appointment and posting R-4 as a regular EDBPM, Pathabaggam P.O.

4. As the representation addressed to R-3 is still pending it is preferable to give a direction to R-3 to dispose of the representation of the applicant's mother dt.6-1-96 in accordance with of the letter dated 02-02-1994 and also the rules taking note of the contents/the averments made in this OA

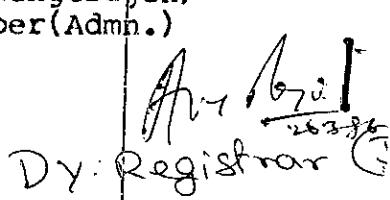
5. In the result, the following direction is given:-
R-3 should dispose of the representation dt.6-1-96 of the applicant's mother in terms of DG P&T letter dt.2.2.94 and also keeping in mind the averments made in this OA. The time for compliance is three months from the date of receipt of a copy of this order. If the applicant is going to be aggrieved by the reply to be given by R-3, he is at liberty to approach this Tribunal under section 19 of the A.T. Act.

6. The OA is ordered accordingly at the admission/ No costs—
(Registry has to send a copy of this order along with copy of OA to R-3 for compliance)



(R. Rangarajan)
Member(Admn.)

Dated : The 19th March 1996.
(Dictated in Open Court)


Dy. Registrar

Contd

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Copy to:

1. The Superintendent of Post Offices,
Vizianagaram Division,
Vizianagaram.
2. The Post Master General,
Visakhapatnam Region,
Visakhapatnam.
3. The Chief Postmaster General,
A.P.Circle, Hyderabad.
4. One copy to Mr.K.Venkateswar Rao, Advocate,
CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr. GSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

~~HON'BLE SHRI A.B.GORTHI : MEMBER (A)~~

HON'BLE SHRI R. Rangarajan : M (A)

DATED: 19.3.96

ORDER/JUDGMENT

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

IN

D.A. NO. 358/96.

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED *after considering*

NO ORDER AS TO COSTS

*Find copy of cost to
R 3/-*
* * *

No Spcl. Copy

