

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

O.A. No. 1764 of 1997

Date of Decision: 5.1.1998

Between:

D. Obulesu

.. Applicant

AND

1. The Union of India rep. by its Secretary, Ministry of Science & Technology, Technology Bhavan, New Delhi.
2. The Director, Survey of India, South Central Circle, 3-4-526/38, Barkatpura, Hyderabad.
3. The Superintending Surveyor, Survey of India, No.54 Party (SCC), 3-4-877/1, Barkatpura, Hyderabad.

COUNSEL FOR THE APPLICANT: Mr. M.S. Siva

COUNSEL FOR THE RESPONDENTS: Mr. N.R. Devaraj

CORAM:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.)

ORDER

(Per Hon'ble Sri H. Rajendra Prasad: Member (Admn.)

1. Heard Mr. M.S. Siva for the applicant and Mr. W. Satyanarayana for the Respondents.

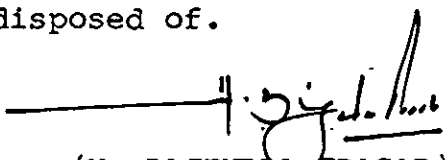
2. The applicant is the 3rd (and youngest) son of a former Khalasi, who was a part of the 54 party of South Central Circle of Survey of India, and passed away in 1956. The applicant's mother has been constantly praying for a suitable appointment to her youngest son (the present applicant) on compassionate ground since two of her sons who are elder to the applicant are not extending any meaningful help for the mother, firstly on account of

the fact that they do not have any steady job and, Secondly, because the meagre income earned by them ^{fitfully} renders it difficult to divert any part of it for any purpose other than to fend for their own considerably large family. The respondents have rejected the claim on the ground that the applicant is now the only dependent son of his mother and that the family in any case has been the recipient of pensionary and other terminal benefits in respect of the deceased employee.

3. This Tribunal has held in a number of cases that it would be incorrect to reject such cases on the ground that a family is in receipt of certain amounts by way of Group Insurance, D.C.R.G., P.F. and other miscellaneous terminal payments. These would in any case become payable to a retiring Government Servant or the family of any deceased employee. These cannot be taken as marks of special favour and are to be viewed more as the legitimate property of a retiring or deceased employee. To that extent the impugned order is not at all sustainable.

4. The Respondents shall therefore re-examine the claim of the applicant after duly considering the actual facts, the financial status of the family, or its indigence and other relevant factors, including the reported lack of support from the applicant's elder brothers. These may be got verified, if considered necessary, by deputing a responsible official with a view to ascertaining the actual state of distress, if any, of the applicant and his mother. Indigence, it is well to note, is the primary consideration in all such cases. A suitable decision may therefore be taken as per rules within ninety (90) days from the date of the receipt of this order.

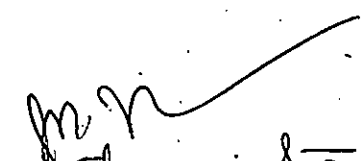
Thus the O.A. is disposed of.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 5th January, 1998

Dictated in the open court

KSM


Deputy Registrar

O.A.1764/97

To

1. The Secretary, Ministry of Science and Technology,
Technology Bhavan, Union of India, New Delhi.
2. The Director, Survey of India,
South Central Circle, 3-4-526/38,
Barkatpura, Hyderabad.
3. The Superintending Surveyor,
Survey of India, No.54 Party(SCC)
3-4-877/1, Barkatpura, Hyderabad.
4. One copy to Mr.M.S.Siva, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Ar.CGSC. CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm

21/1/98

I Court

TYPED BY
COMPALED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 3-1 -1998

ORDER/JUDGMENT:

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

in

O.A.No. 1764/97

T.A.No.

Q.W.P

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

