

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.257/97

dt.12-3-1997

Between

S. Ramanjaneyulu : Applicant

and

1. Union of India, rep. by
The Secretary
Min. of Communications
New Delhi 1

2. Director of Postal Services
O/o PMG, APSR, Kurnool 518005

3. Supdt. of Post Offices
Guntakal Division
Guntakal 515801 : Respondents

Counsel for the applicant : A. Anasuya
Advocate

counsel for the respondents : K. Ramulu
Addl. CGSC

CORAM

HON. MR. H. RANGARAJAN, MEMBER (ADMN.)

HON. MR. BS. JAI PARAMESWAR, MEMBER (JUDL.)

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Judgement

Oral order (per Hon'ble Shri R.Rangarajan, Member (A))

Heard Mrs. Anasuya for the applicant and Sri K. Ramulu for the respondents.

1. The applicant herein is the son of one Sri S. Sampath Kumar, who worked as Postman, Gooty, and was medically decategorised for all categories and retired from service on 5-11-1993. The applicant herein filed a representation for posting him on compassionate ground appointment. The applicant's father, Ex employee of the Postal Department, also applied for his son's compassionate ground appointment vide Annexure A-2 on 28-7-1993. That representation for compassionate ground appointment was rejected by the Department as his father has retired after attaining the age of 55 years by memo No.B.4/Retan/Rect/SR/94 dt.13-7-95.
2. The present OA is filed challenging the impugned rejection letter dated 13-7-1995 issued by Respondent-3 and for consequential direction to appoint the applicant herein on compassionate ground appointment.
3. Before we analyse this case, it is necessary to state the observations of the Supreme Court in the case reported in 1994 SCC(L&S) 500 (Auditor General of India and others vs. G. Ananta Rajeswara Rao). It was held in the judgement that appointment on compassionate ground to son, daughter or widow to assist the family to relieve economic distress by sudden demise in harness of government employee is valid. ...
... in other respect the appointment on compassionate ground violates Article 16(2) of the Constitution.

..2.

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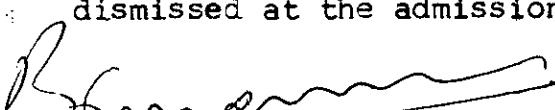
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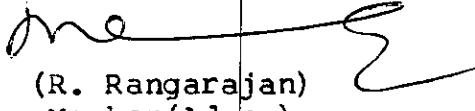
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4. The father of the applicant herein had been medically decategorised and retired. Hence, compassionate ground appointment on that basis cannot be given in view of the Supreme Court Judgement cited above.

5. The applicant relies on the judgement of the Supreme Court reported in 1996(6) Supreme 18 (State of Haryana and others vs. Surjeet Singh). By relying on the judgement, the learned counsel for the applicant submits that even if an employee has been retired on medical grounds his wards are entitled for compassionate ground appointment. A reading of the judgement indicates that the compassionate ground appointment was given to the applicant in that cited case because he had already been appointed on the basis of the earlier High Court judgement. ^{The Hon'ble} Supreme court ^{did} not want to disturb that position on humanitarian grounds. Hence the compassionate ground appointment made in that case was allowed to continue. In that way that case is clearly distinguishable from the present case as the applicant in this case is not yet appointed. The applicant also relies on the reported case 1995(1) SLR 540 (Mohammed Haniff and another Vs. Union of India & another) of the Madras Bench of this Tribunal. As the Supreme Court had already given direction it is not necessary to further examine the case ^{in the light of the case} disposed of by a lower authority viz. the Madras Bench of this Tribunal.

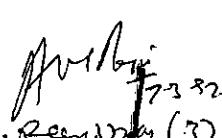
6. In view of what is stated already, the case of the applicant does not merit consideration. Hence, the OA is dismissed at the admission stage itself. No costs.


(B.S. Jai Parameswar)
Member (Judl.)


(R. Rangarajan)
Member (Admn.)

12461)

Dated : March 12, 97
Dictated in Open Court


D.Y. Rayamajhi (3)

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Copy to:-

1. The Secretary, Ministry of Communications, Union of India, New Delhi.
2. The Director of Postal Services, PMG, APSR, Kurnool.
3. Supdt of Post Offices, Guntakal Division, Guntakal.
4. One copy to Smt. A.Anasuya, advocate, CAT, Hyd.
5. One copy to Sri. K.Ramulu, Addl. CGSC, CAT, Hyd.
6. One copy to Deputy Registrar(A), CAT, Hyd.
7. One spare copy.

RSM/-

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3/3/97

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWARI: M(J)

DATED: 12/3/97

ORDER/JUDGEMENT

R.A./C.P./M.A./ND.

O.A. NO.

257/97

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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