

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.36/97.

Date of order : 10.1.1997.

Between

Smt. M.Seetharamam

...Applicant

And

1. Member (Personnel),
Telecom. Commission,
New Delhi.

2. Chief General Manager, Telecom.,
A.P.Circle,
Hyderabad.

3. Chief General Manager,
Coaxial Maintenance,
Southern Telecom. Region,
Madras.

4. Director,
Coaxial Maintenance,
Southern Telecom. Region,
Hyderabad.

...Respondents

Counsel for the Applicant

...Smt. M.Seetharamam,
Party in person. (Not present)

Counsel for the Respondents

...Shri N.R.Devaraj,
Sr. CGSC.

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman)

The application received from the applicant by post dated 6.12.96 has been, in the interest of justice, treated as O.A.

2. The question raised by the applicant, namely that a married daughter should be equally eligible for compassionate appointment when a married son can be considered eligible, appeared worth consideration. The letter-cum-application shows that the applicant's husband died in harness on 29.9.93. The applicant has no son. She has three daughters. One daughter is already married. The applicant, therefore, applied for compassionate appointment to her second daughter.

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She has complained that the request has been arbitrarily refused by the respondents.

3. A copy of the said application was served on the Sr. CGSC and the respondents have acted very promptly in this case and today itself Shri N.R.Devaraj has placed before us a copy of the letter of the Asst. Director-General (STN), Ministry of Communications, Govt. of India addressed to the Chief General Manager, A.P.Telem. Circle, Hyderabad on the subject of request of the applicant for compassionate appointment of her daughter Kum. K.Jogeshwari. The said letter shows that the case was considered by the High Power Committee in detail and the Committee decided to reject the request for the following reasons:-

(1) The applicant is already employed on a salary of Rs.4,790/- p.m. (That fact is also borne out by the application of the applicant who has stated that she is working as a teacher and would be retiring in the year 2002.)

(2) The applicant is getting monthly family pension of Rs.900/-.

(3) The applicant received Rs.2,59,372/- as pensionary benefits of the deceased.

(4) The family has ^{financial} resources and it cannot be said to be in indigent conditions.

4. The principle behind compassionate appointment is to relieve the family of a deceased employee from immediate distress which logically means that where the family has resources to maintain itself that principle would not apply. That being the position in the instant case we cannot hold that the respondents have acted arbitrarily or illegally in rejecting the request of the applicant for compassionate appointment of her daughter.

5. Had it been the case that the family was in indigent conditions and a compassionate appointment of a dependent justified but it would be granted only to a son or and not a daughter, then perhaps the question

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raised by the applicant as already stated would have called for consideration. However the factual position being that the rejection of the request is on the ground that the family has financial resources to maintain itself and is not in distress, and not that it is refused because the appointment is sought in respect of a female member there does not arise any occasion to ~~doubt~~ ^{examine the same}. We are therefore of the view that no case is disclosed calling for our interference and the application therefore is liable to be rejected.

6. The O.A. is accordingly rejected. A copy of this order to be forwarded to the applicant for information.

H.R.P.
(H. Rajendra Prasad)
Member(A).

M.G.C.
(M.G. Chaudhari)
Vice-Chairman.

Dated: 10.1.1997.
Dictated in Open Court

br.

10/1/97
Deputy Registrar (J)cc

^ O.A.36/97.

To

1. The Member(Personnel)
Telecom,Commission,
New Delhi.
2. The Chief General Manager, Telecom,
A.P.Circle, Hyderabad.
3. The Chief General Manager,
Coaxial Maintenance,
Southern Telecom.Region,
Madras.
4. The Director, Coaxial Maintenance,
Southern Telecom.Region,
Hyderabad.
5. One copy to Mrs.M.Seetharamam, Party-in-person,
w/o K.V.Ramana Rao, 30B, Prabhat nagar, Guntakal.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

pvm.

9/2/97
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TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

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

Dated: 10 - 1 - 1997

ORDER ~~JUDGMENT~~

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

in
O.A. No. 36/97

T.A. No. (W.P.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

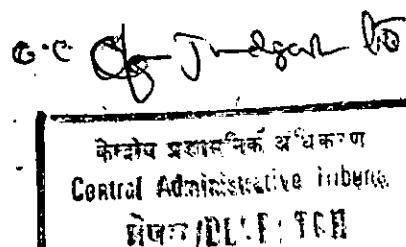
Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

p.v.m.



हैदराबाद आयोगी
HYDERABAD BENCH