

2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD.

OA 37/97

Date of Decision: 10.1.1997

BETWEEN:

G. Seetaram Prasad

.. Applicant

AND

1. The Superintendent of Post Offices,
Suryapet Division,
Suryapet - 508 213
2. Post Master General,
Hyderabad Region,
Hyderabad - 500 001.

Counsel for the Applicant: Mr. N. Ashok Kumar

Counsel for the Respondents: Mr. N. R. Devaraj

CORAM:

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

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.) *8*

3

ORDER

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


The application for compassionate appointment filed by the applicant was rejected on the grounds that he was minor and was not eligible to be considered. It is stated that the applicant attained majority on 4.10.1996. He, however, did not apply again for compassionate appointment. A notification was issued on 18.11.96 for recruitment to the Posts of EDBPM. The applicant did not apply in pursuance of that notification. Further one of the prescribed qualifications being Matriculation/ 10th Class ^{as} annexure -10 dated 2.1.1997 shows that the applicant has not passed 10th class. ~~the question of any application, even if it has been filed in pursuance of the notification, cannot be considered.~~ ^{would not} Even assuming that the earlier application of the applicant made during his minority may be considered as an application for the purpose of notification, even then for want of requisite qualification that is of no ^{avail} ~~while~~ to the ^{applicant} application. Even for compassionate appointment it is essential that the Applicant must fulfill the eligibility criteria prescribed.

The learned counsel for the applicant urged that it is open to the department to give relaxation in the educational qualification. However it is seen from the clarifications contained in DG (Posts) letter No.17-85/93-ED & TRG Dt.2.2.1994 that the educational qualification for EDBPM should be insisted upon in case the death of the incumbent has taken place on or after 1993 while considering the compassionate ground appointment. The reference to the said letter is made by the learned standing counsel from 'Swamy's Compilation - ED Staff 1994 Edition, page 139. Indeed the question of

huc

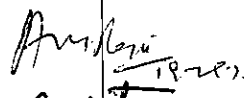
4

relaxation cannot be raised directly before the tribunal across the bar as the applicant had never applied for the same to the concerned authorities. Thus there is no ~~cause of action~~ ^{disclosed} ~~further action to discuss~~ to entertain this O.A. The OA is accordingly rejected.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)


(M.G. CHAUDHARI)
VICE CHAIRMAN

Date: 10th January, 1997
Dictated in the open court


Deputy Registrar (DCC)

KSM

U.A. 37/97

To

1. The Superintendent of Post Offices,
Suryapet Division, Suryapet-213.
2. The Postmaster General, Hyderabad Region,
Hyderabad-1.
3. One copy to Mr.N.Ashok Kumar, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

7. One copy to D.R.
pvm.

27/2/97

I COURT

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. 37/97.

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.

pvm.

