

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No. 58/97.
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Date of decision: 20.8.1997.

Between:

S. Srinivasa Rao.

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Applicant.

And

1. The Chairman, Postal Services Board (representing Union of India)
 2. The Chief Post Master General, A.P.Circle, Hyderabad - 500 001.
 3. The Senior Superintendent of Post Offices, Prakasam Division, Ongole 520 001.
- Respondents.

Counsel for the applicant: Sri C. Suryanarayana.

Counsel for the respondents: Sri V. Bhimanna.

JUDGMENT.

(by Hon'ble Shri H. Rajendra Prasad, Member (A)). $\frac{9}{20/8}$

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Heard Sri C.Suryanarayana, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for the respondents.

2. The father of the applicant was serving as Postman and passed away in May, 1990. He was 52 years at the time of his death. Within a week of the demise, the applicant's mother submitted a representation on

$\frac{9}{20/8}$

: 2 :

1--6--1990 requesting for a job to her eldest son on compassionate grounds as a Group "D" employee. On receiving no response to the representation, she submitted one more representation in November, 1990, requesting for compassionate appointment to her 3rd son. This was on the ground that her other children were less educated than him and she believed that they were not eligible for such employment. According to the applicant there was no response even to this representation. In December, 1993, she was informed that her case was considered and rejected. Thereupon she submitted another representation to Respondent No.2 seeking reconsideration of her case. The request of the applicant was finally rejected in November, 1996. She admits that the family does indeed possess Ac.11-00 of land but submits that the property hardly carries any value ^{and} or yields a petty income of no more than Rs.1,000/- per mensem. She also submits that the family had to obtain a loan of Rs.1,00,000/- (One Lakh) to maintain themselves. In support of this she has submitted four photostat copies of promissory notes purported to have been executed in January, February, March and April, 1989. She maintains that the family has had to incur considerable expense on the treatment of the

20/8

deceased Government servant who was the head of the family. She questions the view taken by the Circle Selection Committee that the family is not in indigent circumstances.

3. Based on the above facts and pleadings, the applicant prays for the quashing of the order of rejection contained in the respondents' final communication issued in November, 1996.

4. In their reply-statement, the respondents reiterate their view that the family of the deceased employee was not in any way in indigent circumstances, and that the case had, nevertheless, been reexamined on receipt of a representation through a Member of the Parliament to see whether there were any new circumstances justifying reconsideration of the case and it was finally decided to reject the request on merits of the case. In support of this, the respondents state that the household is in fact now receiving (marginally) more income by way of family pension than was the case while the employee was in service. Moreover, the family of the deceased Government servant resides in a village in their own house where the cost of living at present is found to be relatively lower.

Q. 6. / 8
20/8

: 4 :

5. It is added by the respondents that in all their earlier representations made to the Authorities, ~~for~~ no whisper of any outstanding ~~undischarged~~ loans was ever raised at any time by the family of the deceased. The respondents question the validity of the promissory notes which cast suspicion on the genuineness of the so-called transactions, firstly, because all these loans are purported to have been raised in rapid succession by a family, which according to the family itself, was in none-too-comfortable a position financially, had no worthwhile income from the meagre property owned by them, and were in no position to offer any substantial security by way of immoveable properties. It is unlikely that any one would advance amounts on such considerable scale to a household which had no proper means or capacity to discharge the loan(s). Further more, all the promissory notes have run their course and have crossed the period of currency and also there is no indication as to whether any part of the loan was ever discharged. It is also argued by the learned standing counsel for the respondents that it is not understood as to how copies of the promissory notes, which are normally expected to be in the custody of the creditor, came into possession of the applicant or any member of his family for being produced now before the Court without any indication as to whether the loan in its

Q. 10/18

entirety, or any portion thereof, had at all been liquidated. Finally, the standing counsel wonders as to why at all it was necessary for other members of the family to execute promissory notes or incur debts while the head of the family was still around.

6. All this, the standing counsel submits, goes to prove that no credence can be attached to the version set up by the applicant regarding the alleged raising of loans or executing the so-called promissory notes pertaining thereto.

7. Based on the above pleadings, the respondents urge that the O.A., be dismissed as lacking any merit and also on the ground that the family is reasonably well-off even after the demise of the bread-winner.

8. All facts concerning this claim have been carefully and dispassionately examined. The mother of the applicant has been inconsistent in her request made to the authorities for providing employment to alternate children at different times. The Scheme evolved by the Government envisages extension of benefit of compassionate appointments to ~~the~~ bereaved family to meet the immediate trauma caused by the demise of the bread-winner. In this case

Q. 11
20/5

the family of the deceased employee owns some property, - though not sizeable in extent or area, - and derives certain income, - if not a very handsome return, - and what is more, the household has managed to pull through the initial shock and overcome the trauma caused by the demise of the employee and attended its affairs for seven years thereafter. Such being the facts, I am not persuaded that the family is in desperate circumstances. The fact that any employment provided under the scheme is designed primarily as a form of immediate succor to the bereaved family cannot also be lost sight of. I consider the version of the applicant in regard to raising of loans by executing promissory notes as unconvincing. The level of existence could be one of bare subsistence, reasonable comfort, or one of mild opulence depending on the circumstances of each case vis-a-vis the standards of living a particular family is accustomed to. Going by the facts as revealed, I am of the view that this family is in a state of reasonable security, even if, admittedly, the income derived from the land may not be spectacularly high. It cannot be said that they are living in misery or indigence. There may be other cases which are more deserving and in far greater financial distress. It is, after all, the responsibility of the respondents to ensure that

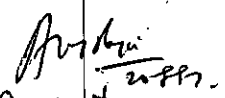
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the benefits of the scheme are distributed evenly amongst the most deserving. It is the respondents alone who would be best suited to judge this and make a comparative assessment of different claims of this type pending consideration at any given point of time. This Tribunal would not of course be in a position to judge such relative merits. Such exercise has to be left entirely to the authorities concerned. For the purpose of this particular case, it would suffice to record that I am of the view the family, as already stated, is not by any means in abject financial straits.

9. For the reasons discussed above, I hold that this case lacks merit and is accordingly disallowed. No costs.


H. RAJENDRA PRASAD,
MEMBER (A)

Date: 20th Aug 97


Deputy Registrar (D) Ce

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O.A.58/97.

To

1. The Chairman, Postal Services Board,
Union of India, New Delhi-1.
2. The Chief Postmaster General,
A.P.Circle, Hyderabad-1.
3. The Senior Superintendent of Post Offices,
Prakasam Division, Ongole-1.
4. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
5. One copy to HHRP.M.(A) CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
7. One spare copy.

pvm.

In The CAT Hyd. Bench
22/8/97 Hyderabad

The Hon'ble Mr. H. Rajendra
Bose, M.A.

Dated 20/8/97

OA NO. 58/97

Disposed of

No castes

