

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

3A

O.A. No. 895 of 1997

Date of Decision:  
21st November, 1997

BETWEEN:

Smt. S. Sivalakshmi ... Applicant

AND

1. Union of India, rep. by Secretary & DG Posts, Ministry of Communications, Department of Posts, New Delhi - 110 001.
2. Chief Post Master General, A.P. Circle, Dak Sadan, Hyderabad - 500 001
3. Post Master General, Vijayawada Region, Vijayawada-520 002
4. Senior Supdt. RMS 'Y' Division, Vijayawada - 520 001.

Counsel for the Applicant: Mr. B.S.A. Satyanarayana

Counsel for the Respondents: Mr. N.V. Raghav Reddy

CORAM:

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

ORDER

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

1. Heard Mr. B.S.A. Satyanarayana for the applicant and Mr. W. Satyanarayana for Mr. Raghav Reddy on behalf of the Respondents.
2. The applicant in this case is the widow of a deceased LSG Sorting Assistant of RMS who passed away on 5.10.93, reportedly after a prolonged illness. The petitioner's eldest son is said to be away in Delhi and living with his inlaws, and therefore of no help to the family in any way. The sole daughter of the family was married even during the life-time of the deceased employee. The only other member of the family of the petitioner is her second son, S. Venkateswar Rao. The family has received Rs.1,53,743/- by way of various terminal benefits.

2. The authorities have held that the family is not in indigence circumstances and have, therefore, rejected the applicant's request for a compassionate appointment to her second son.

3. It is emphatically submitted on behalf of the applicant that she has had to spend the entire money received by way of terminal benefits, due to her deceased husband, on the following:

1. Prolonged treatment of her bed-ridden husband during his long illness prior to demise.
2. Repayment of liabilities incurred in connection with the marriage of the only daughter.
3. Discharge of proven outstanding loans contracted during the life-time of her late husband.

4. Over and above these, it is her submission that another Rs.65,000/- were loaned to her by some well-wishers and persons known to the family. This position appears to have been accepted by the authorities in that the same is duly incorporated on page 2 of the counter-affidavit filed by the respondents.

5. Indigence is an elusive fact and relative to other attendant factors. It can rarely be determined in absolute or specific terms. In the context of this particular case, indigence seems to be nearer reality than in most others, if the submissions made by the petitioner are any indication. If it can be really established that the eldest son of the family has deserted the family to live elsewhere, and if it is also proved that the family does not receive any help from him, and finally, that it had had to spend the entire amount of terminal benefits for the repayment of existing liabilities, then it is indeed possible to argue that the

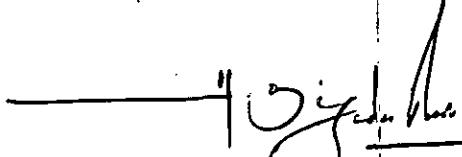
household is in a state of distress and indigence. This needs to be either established or disproved by proper investigation and only then the prayer can be accepted or rejected. No investigation of any kind seems to have been done in this case, although it is apparent that such detailed enquiries may not be warranted or feasible in every case of this type. Considering, however, the overall facts and circumstances of the case it would seem to be not merely necessary but desirable that the actual state of utter penury, - or mild affluence, - as the case may be, of the family is got inquired into by the authorities prior to rejecting the case finally. While it is not the normal practice to entertain requests for compassionate appointment to the second son, while the elder son is <sup>gainfully</sup> employed elsewhere, in exceptional cases this can be considered if the facts and circumstances of a particular case make it necessary or incumbent to do so. In this particular instance such a course would certainly seem to be called for.

6. In the light of what is stated above, and based on the facts that have been disclosed by the record as also during the hearing of the case, it is considered expedient to direct R-3 to have a proper and thorough scrutiny of facts and contentions of the applicant by means of a proper enquiry to establish the truth, or otherwise, of the submission made by the applicant, and thereafter to make his recommendations based on the findings of such enquiry so that the matter can receive a proper and judicious attention of the Circle Relaxation Committee. The Respondent-3 shall formulate and

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forward his recommendations within 60 days from the date of receipt of a copy of this order. The Respondent-2 shall have the case examined by the Circle Relaxation Committee within 60 days thereafter, and then to communicate a decision to the applicant within a fortnight of the case being scrutinised and decided by the Circle Relaxation Committee.

Thus the OA is disposed of.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMN.)

Date: 21st November, 1997  
Dictated in the open court

  
Deputy Registrar

KSM

O.A. 895/97.

To

1. The Secretary and DG Posts,  
Union of India, Ministry of Communications,  
Dept. of Posts, New Delhi-1.
2. The Chief Postmaster General,  
A.P. Circle, Dak Sadan, Hyderabad-1.
3. The Postmaster General,  
Vijayawada Region, Vijayawada-2.
4. The Senior Supdt. RMS 'Y' Division,  
Vijayawada-1.
5. One copy to Mr. B. S. A. Satyanarayana, Advocate, CAT. Hyd.
6. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
7. One copy to HHRP. M. (A) CAT. Hyd.
8. One copy to D. R. (A) CAT. Hyd.
9. One spare copy.

pvm.

6/12/97  
3/12/97

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE.  
VICE-CHAIRMAN

And

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

DATED:- 21/11/97

ORDER/JUDGMENT.

M.A.,/RA.,/C-A.No...

in

P.A.No. 895/97.

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

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