

FORM NO. 21

(Sec Rule 114)

THE
IN/CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.OA / ~~10/10/1997~~ /pt 1220 of 1997

..... M. Subbarao Applicant (s)

Versus

..... The Smt. Supt. of P.O. Byle. etc. etc.

..... Respondent (s).

INDEX SHEET

Serial No	Description of Documents and Dates	Pages.
Docket orders.		
Interim orders		
Orders in MA (s)		
Reply Statement		19 to 31
Rejoinder		
Orders in (Final orders)	29-1-98	32 to 38

Certified that the file is Complete

In all respects.

Signature of
Dealing Hand

(In Record Section)

Signature of S.O.

29/3/98
Dealing Hand
29/3/98

Central Administrative Tribunal Hyderabad Bench, Hyderabad.

C.A. No. 1220 of 1997.

Q.M. Subbarao Applicant(s).

VERSUS.

The Sr. Supdt. of Post offices, Bangalore & 3rd

(Respondents).

Date	Office Note.	ORDER
17.9.97	<i>NBA 21.10.97 CIV 18/9/97 Issued 22/9/97</i>	<p>Hand Mr. K. Venkateswar Rao for the applicant.</p> <p>Notice before admission.</p> <p>Reply 6 weeks i.e 31.10.97.</p> <p><i>S/ HTRP M(A)</i></p> <p><u>RSM</u> <u>31-10-97</u></p> <p>Mr. V. Rajendra Rao on behalf of Mr. N. R. Devraj requests for two weeks to file a reply to the notice sent on 22-9-97. The same is granted.</p> <p>List it immediately thereafter</p> <p><i>S/ HTRP M(A)</i></p> <p>The Case to be listed after vacation of the respondent / applicant counsel. Mr. W. Satyanarayana mentions that a counter is being filed within 3/4 days. List it after opening of the ^{the} Court after Vacation.</p> <p><i>S/ HTRP M(A)</i></p> <p><u>RSM</u></p>
17.12.97.	<i>AM</i>	

O.A. 1220/97

Date

Office Note

Orders

19/1/98

A reply has been filed which was served on the Applicant's Counsel only today. He, therefore, requests time to go through the documents. Accepted. Listed on 28/1/98.

For
HAR^(S)
M(A)

DSW

29.1.98

Judgement is pronounced.
The OA is disposed of. Order
vide separate sheet.

RE

8
HAR^(S)
M(A)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1920 OF 1997.

M. Subbulu

(Applicants(s))

VERSUS.

Union of India, Repd. by.

The Sri. Supdt of Post offices

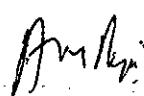
Onigole and 3 others

(Respondent(s)).

The application has been submitted to the Tribunal by
Shri. K. Venkateswara Rao Advocate/party in
person under Section 19 of the Administrative Tribunal
Act, 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the administrative Tribunal (procedure)
Rules 1987.

The application is in order and may be listed for
Admission on 9-9-97

On
Scrutiny Asst.


DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested
been filed. Yes

12. Has the applicant exhausted all available remedies. Yes

13. Has the Index of documents been filed and pagination
done properly. Yes

14. Has the declaration as required by item No. 7 of
form. I been made. Yes

15. Have required number of envelops (file size) bearing
full addresses of the respondent's been filed. Yes

16. (a) Whether the relief sought for, arise out of
single cause of action.
(b) Whether any interim relief is prayed for, Yes

17. (c) In case an MA for condonation of delay is filed,
is it supported by an affidavit of the applicant. —

18. Whether this cause be heard by single Bench. Yes

19. Any other points. —

20. Result of the Scrutiny with initial of the scrutiny may be filed
clerk.

On [initials]
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

File No. 2947/92

Report in the Scrutiny of Application.

Presented by Mr. K. Venkateswara Rao Date of Presentation. 12/9/92

Applicant(s) M. Subbarao

Respondent(s) The Sy. Supdt of Post office, Ongole 413001

Nature of grievance Compassionate appointment

No. of Applicants 1 No. of Respondents 1

CLASSIFICATION.

Subject..... No Department.. Postal..... (No)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). Yes
2. Whether name description and address of all the parties been furnished in the cause title. Yes
3. (a) Has the application been fully signed and verified. Yes
(b) Has the copies been duly signed. Yes
(c) Have sufficient number of copies of the application been filed. Yes
4. Whether all the necessary parties are impleaded. Yes
5. Whether English translation of documents in a language other than English or Hindi been filed. Yes
6. Is the application on time, (See Section 21). Yes
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. Yes
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) Yes
9. Is the application accompanied IPO/DD, for Rs.50/- Yes
10. Has the impugned order's original, duly attested legible copy been filed. Yes

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL (YARD, J.D. BENCH, HYDERABAD)

I N D E X S

Case No. 1220 of 1997.

Cause File M. Subbarao

V A C U S

M. Sr. Subbarao, ongoh & 30t.

SL. NO.	Description of documents	Page No.
1.	Original Application	1 to 5
2.	Material Papers	6 to 15
3.	Vakelat	1.
4.	Objection Sheet	—
5.	Spore Copies 4. (Four)	
6.	Covers u. <u>9</u>	

Reg:- To declare that the applicant's grand son B. Anjaneyulu
is entitled for compassionate appointment to a suitable
post consequent on the death of her husband.

(2)

S. N. Case IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT: HYDERABAD

O.A.NO. 1220 OF 1997

Compassionate appointment
Postal (M/s)

Between:-

M. Subbulu.

... APPLICANT

AND

The Senior Superintendent of Post Offices,
Ongole Division, Ongole and others.

... RESPONDENTS

CHRONOLOGICAL EVENTS

S.No. Particulars

Pg. Nos.

1.	The Applicant's husband died on 17.1.92	2
2.	Representation rejected on 25.8.95	1
3.	Further representation dt. 6.3.96.	3
4.	Provisional appointment terminated on 22.7.1997.	1

K Venkateswaran
Counsel for the Applicant.

Regd
12/9/97
R. N. R. Derry



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1220 OF 1997

I N D E X

S.No.	Description of the Documents	Pg.Nos.	A.Nos.
1.	Application	1 to 5	-
2.	No 132/RE/Relax/MSR, dt. 25.8.95	6 - 7	1.
3.	PF/EDMC/DA/Ramkur, dt. 21.7.97	8 - 9	2.
4.	Provisional appointment	10 - 11	3.
5.	132/ Relax/M.S., dt. 7.6.95	12	4.
6.	PF/EDMC/DA/Ramakur, dt. 21.7.97	13	5.
7.	Representation dt. 6.3.1996	14 - 15	6.

Umeshwar
Counsel for the Applicant

FOR OFFICE USE ONLY:

1. Date of Filing :
2. Regn. No. :

Signature of the Registrar.

- 1 -

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1220 OF 1997

Between:

Smt.M.BUBBULU, Widow of Late Ramanaiah, aged about 56 years, House wife, Ramakur (PO), Via Valaparla, Prakasam Division, Ongole. ... APPLICANT

A N D

1. The Senior Superintendent of Post Offices, Ongole Division, Ongole.

2. The Sub Divisional Inspector (Postal), Addanki-523 201.

3. The Chief Postmaster General, A.P.Circle, Daksadan, Hyderabad.

4. The Post Master General, Vijayawada Region, Vijayawada.

Oct 4/97
... RESPONDENTS

DETAILS OF THE APPLICATION

1. Particulars of the Applicant:
Address for services : Shown as above
Mr.K.Venkateswara Rao,
Advocate, 2-2-1136/3/1,
Jayalakminivas,
New Nallakunta, Hyderabad.

2. Particulars of Respondents: Shown as above

3. Particulars of the Order:
1. Order No. & Date : 132/RE/RELAX/MSR, dated 28.8.1995.
2. Subject in brief : Compassionate Appointment

4. JURISDICTION: The O.A. is within the jurisdiction U/s.14 of the Administrative Tribunal's Act, 1985 as the applicant is a resident of Andhra Pradesh.

5. LIMITATION: The O.A. is within the limitation U/s.21 of the Administrative Tribunal's Act, 1985 as the impugned order is dated 21.7.1997.

6. FACTS OF THE CASE:

(A) The Applicant is aggrieved by the impugned Order No.132/RE/RELAX/MSR dated 28.8.1995 issued by the 1st respondent read with Memo.No.PF/EDMC/DA/Ramakur dated 21.7.1997 issued by the first and second respondents in arbitrarily and unjustly rejecting the case of the applicant for appointment of her grandson on compassionate grounds consequent on the death of her husband M.V.Ramanaiah and also terminating the appointment of her grandson as EDMC/D.A. of Ramakkur B.O. in account with Valaparla S.O. which is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution besides being opposed to the scheme of compassionate appointments and as such cannot be justified in the eye of law.

(B) The Applicant submits that her husband Sri M.V.Ramanaiah worked as E.D.M.C./D.A. of Ramakur B.O. in account with Valaparla S.O. in Prakasam Division from 19.8.1957 to 16.12.1992 (about 34 1/2 years of service). However unfortunately, her husband had expired on 17.1.1992 due to chronic disease of Bronchitis, pneumonia and of lungs trouble. The applicant submits that they belong Dhabhi Community and they are very poor as is the case with that community and the only property they are having is a small thatched Hut in that village. The applicant submits that her husband raised loans for his treatment but however as ill luck would have it he had expired on 17.1.1992. It is also relevant to submit that the loans raised by her husband for the marriage of daughter were also not cleared by him during his life time. The applicant submits that the terminal benefits received by her was ranging about Rs.30,000/- and a greater part of that amount was to be utilised for clearing the loans raised by her husband and also for funeral and other expenses after his death. The applicant submits that her husband had expired leaving behind him the widow i.e. the applicant and 2 children of whom one is a daughter by name Smt.Anjamma and the other is a son who is illiterate and he deserted the family 8 years before the death of her husband. The applicant submits that even though her daughter Smt.Anjamma was married, her husband has not been looking after her for the last about 10 years. The applicant therefore submits that her divorced daughter and her only son were also compelled to live with the applicant. The applicant submits that they have no property and there is no any earning member in the family and they are living in a patnetic conditions. The applicant had therefore made a representation on 23.3.1995 requesting for appointment of her grand son B.Anjaneyulu who passed X division in any of the suitable posts so that the family may have succor.

6

13

(C) While so it is strange that the first respondent issued the Memo.No.132/RELAX/MS/dated 7.6.1995 intimating the applicant that her request cannot be considered as the post of EDMC/D.A. Ramakur is vacant. The applicant had however made a further representation dated 7.8.1995 to provide compassionate appointment for her grand son.

(D) Such being the position it is surprising that the first respondent issued the impugned Lr.No.132/RE/RELAX/MSR dated 28.8.1995 that her case cannot be considered under relaxation of recruitment rules as the grand son is not eligible for the concession which is clearly illegal, arbitrary and contrary to the existing provisions of compassionate appointment. The applicant submits that the first respondent has thus taken divergent view in that he has not considered her grand son for appointment originally on the ground that there was no vacancy of EDMC/DA of Ramakur and later came forward that there is no provision for providing job to grand son which is highly unjustified. The applicant has therefore made a representation on 6.3.1996 to the third respondent and the said appeal is pending. It is pertinent to submit that in the mean while, the applicant's grand son B.Anjaneyulu was provisionally appointed as EDMC/D.A. by proceedings dated 29.6.1996 and accordingly he has been holding the said post from 1.7.1996 onwards.

(E) While such is the situation, the arrangement held by the applicant as E.D.M.C./DA of Ramakur was terminated by the second respondent in Memo.No.PF/EDMC/DA/Ramakur dated 21.7.1997 on account of the request transfer off Sri V.Peddiah EDMC/D.A. of Bollavarappadu of B.O. in Medarametla S.O. in Prakasam Division which is highly unjust. The applicant's grand son is thus denied of appointment as EDMC/D.A. and was even deprived of provisional appointment which he held from 1.7.1996 on account of extraneous considerations to accommodate the said Sri V.Peddiah EDMC/D.A. of Bollavarappadu B.O. which is highly unjust.

2

(F) The applicant submits that the post of E.D.M.C/D.A. of Ramakur held by her husband was not filled by recruitment but only by arrangements. The applicant submits that according to the scheme of compassionate appointment and the orders issued on the subject from time to time, the compassionate appointment is applicable to a son or daughter or near relative of a Government servant who dies in harness including death by suicide/leaving his family in immediate need of assistance when there is no earning member in the family. It is thus seen that it is not only the son or daughter of the deceased is entitled for compassionate appointments but even a near relative of a Government is also eligible for compassionate appointment. The applicant submits that the words "near relatives" includes anybody who is dependent on the family of the deceased and as such it cannot be said by any stretch of imagination that the grand son of the applicant is not entitled for compassionate appointment. As aforesaid the applicant's family after the death of her husband is in a distressed condition as there is no any earning member in the family and besides her son has deserted the family long back and her son is living by their profession namely washing clothes and further even her married daughter was divorced by her husband and is living with the applicant. The applicant therefore submits that the first respondent has taken on unreasonable attitude in not conceding the genuine request of the applicant for compassionate appointment of her grand son without any valid reasons or justification on the untenable ground that her grand son is not eligible for the concession, even though, the scheme envisages compassionate appointment even to the near relatives. The applicant is therefore constrained to approach this Hon'ble Tribunal as she has no other effective, alternative remedy.

7. REMEDIES EXHAUSTED:- The Applicant has no other effective, alternative remedy except to approach this Hon'ble Tribunal.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING:- The Applicant has not filed any other O.A./W.P. in this regard and such a case is not pending in any court or authority of law.

9. MAIN RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to declare that the applicant's grand son B.Anjaneyulu is entitled for compassionate appointment to a suitable post consequent on the death of her husband while in service with consequential benefits by holding the action of the respondents inrejecting her legitimate claim vide No.132/RE/RELAX/MSR dated 28.8.1995 issued by the Senior Superintendent of Post Offices, Prakasam Division as illegal, arbitrary, discriminatory and subversive of Articles 14 and 16 off the Constitution besides being opposed to the scheme of compassionate appointment and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

10. INTERIM RELIEF: It is therefore prayed that this Hon'ble Tribunal may be pleased to fix an early date for final hearing and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

115. COURT FEE:

I.P.O. No. & Date : 812 229738 (1) (5-89)

Name of the P.O. which drawn :) K. aperla H.C 01

12. ENCLOSURES:

IPO, Material Papers, Covers, Pads & etc.

VERIFICATION

I, M.Subbulu, Widow of Late Ramanaiah, aged about 56 years, Housewife, Ramakur (PO) Via Valaparla Prakasam Division, Ongole, do hereby verify that the contents in the above paras 1 to 6 are true to my personal knowledge and paras 7 to 12 are true to legal advice from my counsel and I have not suppressed any material facts.

Hyderabad,

Dated : 11/11/2011

Kevin Lewellen
Counsel for the Applicant

L.T. Dg M. Subbarao

Signature of the Applicant

४०-१ / Cont. -

भारतीय डाक विभाग / Department of Posts, I di

प्रायोगिक / Office of the

TO.

प्रब्र अधीक्षक डाकघर
Senior Supdt. of Post Offices
प्रकाशम मंडल, ओमोल
Prakasam Dt. ONGOLE-523 001

Sub : Mr. S. S. Gopalakrishna
W/o Late Ramachandra
EDMCA, Rummur.
W/o Valapalem.

No 1321 R.E/Relax/MSR dated 25/2/1995

Sub : Requesting to appoint
me as C.D Post in any
place to her grand son
under relaxation recruit-
ment rules.

Ref : Your representation
dt & 7-8-95.

—
You are hereby informed
that the case can not be considered
under relaxation of recruitment rules
as the grand son is not eligible for
the concession and that the candidate

Pta. 449/94-95 V/a, D.L. 13.3.95, Sangeetha Rs. 3,000. Books

✓
✓

can apply in the normal way, whenever
any vacancy is notified.

प्रबन्ध अधिकारी
Suptt. Supdt. of Post Offices
प्रकाशम् भृङ्गल; ओशिल
Prakasam Dt. ONGOLE-523 001



16/2

AI/08

(11)

A.C.G.-61
SUB-POSTMASTER
VALAPARLA - 517 102
भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA.
पोस्ट और टेलिग्राफ नियम 1967, डाक-तात्र विभाग का खण्ड 1, द्वितीय संस्करण
(Post & Telegraphs Financial Handbook, Volume I, Second Edition)



चार्ज की दरकार पर चार्ज रिपोर्ट और स्टॅम्प और टिकटों की सूची
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि
Certified that the charge of the office of V. Valaparla

चार्ज (नाम) :

was made over by (name) B. Anujangala EDM/04

(नाम) को H. V. Paddaiah

स्थान
at (place) valaparla

तारीख को पूर्वाह्न मे.

अपराह्न

on the (date) 22.7.97 fore noon in accordance with 172nd 190

after

PR/ EDM/04/Ramakum 21/7/97 S.D. 110 Adk

No.

Dated

के अनुसार दे दिया।
from

B. Anujangala

भारमुक्त अधिकारी

Relieved Officer

ex/2 & 209

भारप्रही अधिकारी

Relieving Officer

[कृष्णूला]
[P.T.O.]

Y Y

*प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की जनेक पुस्तकों के बकाया (स्टॉक पुस्तक और रजिस्टर समेत) और लेखाओं की जांच कि और उन्हें ठीक पाया।

*Certified that the balances of this date of the several books (including Stock Book and Registers) and accounts of the office have been checked and found correct.

*प्रमाणित किया जाता है कि निम्नलिखित बकाया मुद्रेभारगुक्त अधिकारी ने सौंप दिए और मैं इनके लिए जिम्मेदार हूँ।

*Certified that the balances as detailed below were handed over to me by the Relieved Officer and I accept the responsibility for the same.

रु०	पै०
Rs.	P.

(अ) नकदी/ Cash

(ब) अप्टिकट/ Stamp Imprest

जिसमें ये शामिल हैं:—

Made up of:—

(1) टिकट/ Stamps

(2) नकदी/ Cash

भारमुक्त अधिकारी
Relieved Officer

भारग्राही अधिकारी
Relieving Officer

तारीख 19
Dated the 21/3/19

Forwarded to B. Anjaneyulu, 15 N.C. 09 को सौंप दिया गया।

* यदि प्रमाण-पत्र की आवश्यकता न हो तो इसे काट लें।
* The Certificate when not actually required may be scored through.

[28-90/68-MI]

प्राप्त मुद्रनेश्वर/ MPP. BBSR. P.O. No. 52/88-89- 26,20,000/- LOOSE

DG POST No. 2-7/87-PPU-Dt. 21st March, 1988

ए. सी. जी. ०-६१
A. C. G.-61

भारतीय डाक विभाग
DEPARTMENT OF POSTS, INDIA

(देसिये नियम २६७, डाक-सार वित्त पुस्तिका, का भाग १, द्वितीय संस्करण)
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume I, Second Edition)

चार्ज की वस्त्री पर नलं रिसॉर्ट और सकड़ी और दिक्कों की वस्त्री
Charge Report and Receipt for cash and stamps on transfer of charge

इनागित किया जाता है कि

Certified that the charge of the Office

पांच..... (नाम) ने..... (नाम) से.....
was taken over by (name) from (name)

(नाम) को
to (name)

स्थान (place)

दारात्म..... को अपराह्न में

on the (date)..... १२.१२.१९८८ fore
noon in accordance with

प्रतिक्रिया/प्रतिक्रिया No. १२०८९
Date १२.१२.१९८८ के बासार दे दिया
from -

भारतीय विभागी
Relieved Officer

B. M. J. M. D. M.
भारतीय विभागी
Relieving Officer
(क०प०३०)
(P. T. O)

Y

प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की अनेक परतों के बकाया (स्टॉक और रजिस्टर समेत) और लेखांक भी जात का और उन्हें ठीक पाया।

*Certified that the balances of this date of the several books (including Stock book and Registers) and accounts of the office have been checked and found correct.

*प्रमाणित किया जाता है कि निम्नलिखित बकायाएँ मुझे भारमुक्त अधिकारी ने सोम दिन और मैं इनके लिए जिम्मेदार हूँ।

*Certified that the balances as detailed below were handed over to me by the Relieved Officer and I accept the responsibility for the same.

	रु०	प०
	Rs.	P.

(अ) नकदी/Cash
(ब) अवदाय टिकट/Stamp Imprest

जिसमें ये शामिल हैं :—

Made up of :—

(1) टिकट/Stamps
(2) नकदी/Cash

भारमुक्त अधिकारी
Relieved Officer

भारप्राही अधिकारी
Relieving Officer

तारीख
Dated the

१०/११/४९

Forwarded to... को सेवा यथा

*जब प्रमाण पत्र की आवश्यकता न हो तो इसे काट दिया जाए।

*The certificate when not actually required may be scored through.

भ्रमसम्बन्धी—13 प/96/MGPK—13 प 99(34)—6-5-91-⁴²⁰⁻⁹⁰⁷⁶⁸⁴¹ DIVISIONAL INSPECTOR (Post)

Addanki - १ वी - Division
ADDANKI - १२३ २०१

Y
A

D.O.P. - Gudia

A/2

P-12
(15)

प्रदर्शनालय शिवाय
Secretary of Post Offices
प्रकाशम नगर
Prakasam Dist. 523 001

To,
Smt M. Subbulu,

w/o Late Ramaiah,

E.D.M.C.O.A.

Ramakur 9/w Valapaka

No B21 Relax / m.s dated at angde btr 7-6-95

Subj: - Request for appointment

under relaxation grounds

- As E.D.M.C.O.A can't Smt M.

Subbulu w/o Late Ramaiah,
E.D.M.C.O.A, Ramakur 9/w
Valapaka.

Rff: - Your application of 23³/₉₅

- o -

You are here by informed

that the post of E.D.M.C.O.A, Ramakur is
not vacant. As such your request
cannot be considered.

A. George

Senior Superintendent
Prakasam Dist. 523 001

✓

Office of the Sub Divisional Inspector (Postal),
Addanki Sub Division, Addanki - 523201.

MEMO. NO. PF/EDMC/DA/RAMAKUR, Dated at Addanki Dt. 21-07-97

16

In pursuance of the orders contained in the Directorate New Delhi letter No.19-51/96 - ED & Training, Dt. 11-02-97 communicated ~~vide~~ C.O. Lr.No. ST/XO-EDA/Rigs/11, Dt.19-03-97. the following transfer is ordered in the cadre of ED Agents, with immediate effect.

Sri V. Paddaiah EDMC/DA Bollavarappadu BO A/W Ramit Road S.O. to be the EDMC/DA Ramakur BO AW Valaparla SO in the place of Sri ~~Anjaneyulu~~ Present EDMC/DA (Provisional) and grand son of late Sri M.V. Ramaiah, Ex-EDMC died on 17-01-92 whose case was rejected by Circle Office.

The transfer is at request of the said ED official. The ED Agent will not forfeit his past pservice for any purpose including seniority.

A COPY OF THIS MEMO IS ISSUED TO:

1. Copy to Sri V. Paddaiah, EDMC/DA, Bollavarapadu, BO, A/W Medaramitla T. Road S.O., appointed EDMC/DA, Ramakur BO AW Valaparla SO for information on relief at Medaramitla T. Road S.O., he will please join as EDMC/DA, Ramakur.
2. BPM Bollavarappadu AW Medaramitla T. Road S.O., and BPM & Ramakur BO, AW Valaparla SO for information.
3. SPM Valaparla for information. He will please admit Sri V. Paddaiah appointed as EDMC/DA Ramakur BO by terminating the existing arrangement. He will please forward concern charge reports, to the under signed.
4. Post master Chilakalurpet HO for information and necessary action.
5. PP of the concerned ED Officials.
6. Ongole for information with reference to his letter No.87/ ED/Misc/ Dt. 13-06-97.
7. SPM Medaramitla T. Road, S.O. for information he will please relieve Sri V. Paddaiah, EDMC/DA, Bollavarapadu BO at once.
8. Spare.

(P. DAVID)
Sub Divisional Inspector
(Postal)
Addanki. 523201.

W. DAVID

06.03.1996

To :
The Chief Post Master General,
A.P.Circle,
HYDERABAD.

Respected Sir,

Sub : Request for compassionate appointment of my grand son M.Anjaneyulu as EDMC/Packer consequent on the death of my husband Ramanaiah on 17.1.1992 as EDMC/DA of Ramkur B.O.

I humbly request that I may be permitted to bring the following few lines for your most sympathetic consideration and favourable orders.

I am the wife of Sri Ramanaiah who expired on 17.1.1992 while working as E.D.M.C/D.A. of Ramkur B.O. my husband has been suffering from Chronic Branchitis etc. and he expired on 17.1.1992 when he was in service as E.D.M.C/D.A. of Ramkur B.O. He left behind me (his ~~is~~ wife) one son, one daughter. The son was already married and he deserted the family and living separately for the last 8 years i.e. from the year 1985. He is of no help to my family even during the days when my husband was alive. My daughter Smt.Anjamma was married 20 years before and her husband divorced her and she and her only son i.e. my grand son have been living with us for the last 15 years as her husband ~~is~~ has started teasing, troubling her and she is also divorced by her husband.

I submit that today the family of my late husband consists of his wife, (me) his daughter(divorced) and grand son Anjaneyulu as the son had already left the family even before the death of her husband. My daughter Smt.Anjamma is illiterate and her only son Anjaneyulu passed X Class. I submit that my late husband has no property except a small hut. As he was a chronic patient, we have to raise some loans for his treatment. Whatever little amount we have received as Terminal benefits were hardly sufficient to clear

/Contd.. 2..

the loans and funeral expenses. I submit that the entire family is in great distress as its bread winner expired. I, therefore, made a representation to the Senior ^{Superinten-}dent of Post Offices on 7.8.1995 and the said representation was rejected on the ground. The case cannot be considered under relaxation of recruitment rules as the grand son is not eligible for the concession and that the candidate can apply in normal way wherever any vacancy is notified. I submit that according to the scheme of compassionate appointments and the orders issued on the subject from time to time, the compassionate appointment is applicable to a son or daughter or near relative of a Government servant who dies in harness leaving his family in immediate need of assistance when there is no earning member in the family.

In view of the above position, I request you, sir, to be kind enough to take a sympathetic view of my case and cause to issue orders for appointing my grandson on compassionate grounds for which of kindness I, and our family will ever remain grateful to you.

Yours faithfully,
Sd/-xxxxx,

Address:

L.T.I. of M.SUBBULU

M.Subbulu, W/o.Late Ramanaiah,

✓ ✓ ✓

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1220 of 1997

Between :

Smt. M. Subbulu ... Applicant

And

Sr. Supdt. of Post Offices,
Prakasam Division,
Ongole & others ... Respondents

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

I, H. Seshagiri Rao, s/o Narasimha Murthy, aged about 56 years, occupation : Government service; do hereby affirm and state as follows :

I am the Assistant Postmaster-General (S & V) in the office of the Respondent No. 3 and as such I am fully acquainted with all facts of the case. I am filing this Counter Affidavit on behalf of all the Respondents as I have been authorised to do so. The material averments in the O.A. are denied save those that are specifically admitted hereunder. The Applicant is put to strict proof of all such averments except those that are specifically admitted hereunder.

The Respondents submit the brief history of the case as follows :-

*Res
Rao
on 19/98
1/9
D.M.*
i) Sri M.V. Ramanaiah (late), whose date of birth is 1.7.1936, worked as EDMC/DA, Ramkur BO a/w Valaparla SO from 10.2.1957 to 17.1.1992. He died on 17.1.1992 due to heart attack. He served in the Department under E.D. cadre nearly 35 years.

M. Seshagiri Rao
ATTESTOR
Asst. Postmaster General (S. & V.)
Office of the Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

M. Seshagiri Rao
DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

20

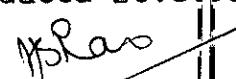
ii) Sri D. Balaguravaiah, Ex-EDMC/DA, Chalivendram BO a/w Darsi SO and one of the thrown-out candidates has been appointed in the above vacancy as EDMC/DA Ramkur BO a/w Velaparla SO with effect from 22.9.92. He retired on 30.6.1996 on completion of 65 years of age on superannuation.

iii) In the usual course of action, on a stop-gap arrangement, Sri B. Anjaneyulu, grandson of late Sri M.V.Ramanaiah, Ex-EDMC/DA, Ramkur BO a/w Valaparla SO has been appointed on provisional basis with effect from 1.7.96 by the Respondent-2 by obtaining a Declaration from the said candidate, declaring that he would handover charge to whom it will be ordered by the competent authority and that his services are purely on temporary basis.

iv) The applicant has represented vide her representation dt. 7.8.95 to appoint her grandson to any post under relaxation of recruitment rules. But, keeping in view of the instructions contained in O.M.No. 14014/20/90-ESTT(D), dt. 9.12.93 of Department of Personnel & Training, communicated through Chief Postmaster-General, Hyderabad Lr. No. RE/1-27/CA/EDAs, dt. 16.1.95 (copy enclosed as Annexure R-1) that the concession of compassionate appointment is applicable only to widow/widower or son/daughter of ED Agents, who die in harness, the applicant was given a reply that her case cannot be considered under relaxation of recruitment rules as her grandson is not eligible for concession of compassionate appointment and advised that her grandson can apply in the normal way whenever any vacancy is notified vide letter No. B2/RE/ Relax/MSR., dated 28.8.95.


ATTESTOR

लक्ष्मण रेड्डा अधिकारी (बजेट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General,
आ० २, गोदावरी २८०००१
A.P. CIRCLE, HYDERABAD-500 001.


DEPONENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General
A.P. Circle, Hyderabad-500 001.

(21)

Thus, since the grandson of the applicant is not eligible for compassionate appointment, the case was not further processed, after giving a suitable reply as stated above to the applicant.

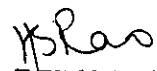
v) It is submitted that subsequently to regularise the provisional arrangement of EDMC/DA, Ramkur, which was held by the grandson of the applicant purely on temporary basis, the respondent-2 appointed one Sri V. Peddaiah, who was working as EDMC/DA Bollavarapadu BO on his being thrown-out as EDMC/DA, Kollallapudi BO consequent on its abolition on 23.12.93, and who now requested for appointment as EDMC/DA Ramkur BO on account of his family difficulties and Ramkur is nearer to his original place of appointment (i.e. Kollapudi). The Respondent-2 considered the request of Sri V. Peddaiah and hence he was transferred and posted as EDMC/DA Ramkur with effect from 22.7.97 discharging the grandson of the applicant, who was holding the same post on temporary basis.

In reply to Para-6 of the O.A. as follows :-

a) It is submitted that as per O.M.No.14014/20/90-ESTT(D), dt. 9.12.93 of Department of Personnel & Training communicated through CPMG, Hyderabad Lr. No.RE/1-27/CA/EDAs, dt. 16.1.95, no near relatives will be eligible for appointment on compassionate grounds, except a widow or son or daughter of a deceased Govt. Servant. As such, the case of the applicant has not been considered/processed for appointment under compassionate grounds since he is the grandson of the deceased ED Agent, viz. Sri M.V.Ramaiah and not eligible for concession of compassionate appointment as emphasised in O.M.No. 14014/2/90-ESTT(D), dt. 9.12.93 communicated


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महाराष्ट्र राज्य का कार्यालय
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A.P. CIRCLE, HYD 400001-500001.


DEPOVENT
Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500001.

under C.P.M.G., Hyderabad letter No. RE/1-26/Compt.Appt/Rlgs/V dated 7.4.95. Accordingly, the applicant was informed vide letter No. B2/RE/Relax/Misc., dated 28.8.95, with a suggestion to apply in the normal way whenever any vacancy is notified. The S.D.I. (P), Addanki (2nd Respondent) was also directed vide letter No. B2/RE/ Relax/BA., dated -5-97 to fill up the post of EDMC Ramkur regularly by notifying the post. As such the SDI (P) Addanki had filled up the post by transferring Sri V. Peddaiah, EDMC/DA from Bollavarapadu BO a/w MMT Road and posting him as EDMC/DA Ramkur BO as he was a thrown out ED Agent working elsewhere and now requested for the said post. Hence, it is not unjust, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution. Moreover, the applicant's grandson, himself has given a written declaration to the 2nd Respondent at the time of his provisional appointment stating that he will abide by the rules and conditions of the Department and his appointment was made on provisional basis in usual course.

b) It is submitted that the deceased ED official Sri M.V. Ramanaiah worked as EDMC/DA Ramkur BO during the period from 10.2.1957 to 17.1.1992, but not from 19.8.57 to 16.12.92 as stated in this para of O.A. The working of the deceased ED official upto 16.12.1992 is not correct, since he died earlier than 16.12.92 is not correct, since he died earlier than 16.12.92, i.e on the date 17.1.92. As per the office records, the applicant was paid gratuity of Rs. 3000/-, funeral assistance Rs. 1000/-, PRF of Rs. 10,000/-. Thus, the Department paid the total amount of Rs. 14,000/- but not Rs. 30,000/- as stated. As per the official records, the amounts of loan still to be cleared were not mentioned


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मा. १२, प्लॉट नं. १२, इन्डिस्ट्रीज, हैदराबाद-५००००१.
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DEPONENT
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by the applicant, which is evident to show that her actual liabilities as on the date of her application for compassionate appointment to her grandson were not available.

c) As already one Sri D.Balsguravaiah a thrownout candidate was working as EDMC/DA in the resultant vacancy of Sri M.V.Ramanaiah who died on 17.1.92, the applicant was informed vide letter No. B2/Relax/MS., dt. 7.6.95 by the 1st Respondent that the post of EDMC/DA Ramakur was not vacant and as such her request could not be considered. It is also a fact that the applicant made a representation to the 1st Respondent on 7.8.95 for which the latter (1st Respondent) already informed her vide letter No. B2/RE/Relax/MSR., Dt. 28.5.95 that her case could not be considered under relaxation of recruitment rules as her grandson is not eligible for the concession of compassionate appointment and that the candidate can apply in the normal way whenever any vacancy is notified. Even then, Sri B. Anjaneyulu, the grandson of the applicant was allowed to work as EDMC/DA Ramkur upto 22.7.97 forenoon on provisional basis. The applicant also suppressed the fact of rejection of her request for compassionate appointment of her grandson without being informed to the second Respondent. As the grandson of the applicant is not eligible for concession of compassionate appointment and as he was working as EDMC/DA Ramkur purely on temporary basis, he was discharged on 22.7.97 by the Respondent No. 2 by making regular appointment to the said post (Annexure A-5 to O.A).

d) The orders of the 1st Respondent were sound and in order as explained in the above para 6(a). Further, as per rules, the grandson of her, being son of her daughter, can't be legal heir


ATTESTOR

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ग्रन्ट एवं ब्रॉडवेल, हैदराबाद - 500 001,
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to be considered as a dependent and he cannot be a legitimate family member of the deceased official. As per the instructions on the subject as explained above, no one other than the widow or son or daughter of deceased ED Agent is eligible for compassionate appointment. Therefore, the order of the 1st Respondent is proper and in order. The version of the applicant that the 1st Respondent has not considered her grandson for appointment originally on the ground that there was no vacancy of the EDMC/DA Ramkur BO and later taking divergent view that there was no provision for providing job to the grandson, is not correct. As there was actually no vacancy of EDMC/DA at Ramkur when the applicant first represented on 23.3.1995, she was given a reply accordingly. By doing so, it does not mean that the applicant's request will be considered for compassionate appointment. In fact, immediately after the death of deceased official one Sri D. Balaguravaiah was brought on to the vacant post of EDMC/DA Ramkur BO as he was a thrown out candidate, and he worked in the post upto 30.6.96 on which date he retired from service. Thereafter, the grandson of the applicant was posted purely on temporary basis with effect from 1.7.96. Thus the action of the 1st Respondent was quite in order and was in compliance of the rules and regulations. It is a fact that the applicant's grandson worked on provisional basis as EDMC/DA Ramkur with effect from 1.7.96 to 22.7.97 (22.7.97). But the said provisional appointment was clearly notified that it was purely temporary and that his services would be terminated at any time without assigning any reason. For which his own declaration on the record is unambiguously clear and evident.


ATTESTOR

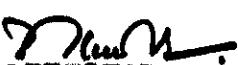
सहायक लेखा अधिकारी (बजट)
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मुख्य पोस्टमास्टर अमरल का कार्यालय
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DEPONENT

Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General
A.P. Circle, Hyderabad-500 001.

As such, the action taken by the 1st and 2nd respondents is not illegal, arbitrary and contrary to the compassionate appointments.

e) As per the orders of Respondent-1 issued vide letter No. B2/RE/Relax/MSR., dt. 28.8.95 and reiterated the same in letter No. B2/RE/ Relax/BA, dt. 9.5.97, the applicant's grandson is not eligible for concession for compassionate appointment. This was made clear to the applicant vide letter No. B2/RE/Relax/MSR dt. 28.8.95 of 1st Respondent in response to the representation dt. 7.8.95 of the applicant. It is a fact that the applicant's grandson worked on provisional basis as EDMC/DA Ramkur since 1.7.96 to 21.7.97. But his appointment/working as such is purely on temporary basis and clear understanding that his arrangement is purely temporary and liable to be terminated without any notice and that he will have no claim to be appointed permanently. His declaration dt. 29.6.96 to the effect is available on record. Therefore, the applicant's grandson has no right to claim for his regular appointment in the said post. He has also no right to claim for compassionate appointment either being the grandson of the deceased E. D. Agent or having worked as EDMC/DA Ramkur on temporary basis inasmuch as grandson of any deceased ED Agent is not eligible for concession of compassionate appointment as per the instructions explained in para-6(a). This position was already and clearly communicated to the applicant vide letter No. B2/RE/ Relax/MSR., dt. 28.8.95 of 1st Respondent (impugned order) and hence the applicant's request to consider the case of her grandson for compassionate appointment was not entertained and processed.


ATTESTOR

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DEPONENT

Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

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It is further alleged that Sri V.Peddaiah has been accommodated on account of extraneous consideration by the 2nd respondent, which is highly unjust and untrue. Sri V. Peddaiah was already in existence as ED official having put in more than 15 years of service and his request for transfer was considered according to rules and he was posted in the post of EDMC/DA Ramkur BO a/w Valaparla S.O. which was working on provisional basis. The placement of the applicant's grandson in the said post was temporary and was liable to be terminated at any time. Therefore, in relieving the grandson of the applicant from the post is not incorrect and there is no extraneous consideration to accommodate Sri v. Peddaiah.

f) The contention of the applicant that the post of EDMC/DA Ramkur BO a/w Valaparla S.O. held by the husband of the applicant was not filled by recruitment, but by only arrangements, is not correct. At the time when the said post became vacant caused by the death of the applicant's husband in the year 1992, there was no request for compassionate appointment from the applicant which was actually made in the year 1995. Hence the vacant post was filled by some other thrown out ED official on transfer at request in the year 1992 itself, as allowed in the rules. The argument put forth by the applicant that not only the son or daughter, but also the 'near relatives' of the Govt.servant is eligible for compassionate appointments, is not correct. As per the instructions contained in O.M. No. 14014/20/90-ESTT(D), dated 9.12.93 communicated under CPMG Letter No.RE/1-26/Compt.Appt/Rlgs/V dt. 7.4.94, the provision in the scheme for providing appointment on compassionate grounds of "near relatives" was deleted keeping in


ATTESTOR

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Office of the Chief Postmaster General,
मी. प. ग्राम्पाल, हैदराबाद-500 001.
A.P. CIRCLE, HYDERABAD-500 001.


DEPONENT
Asst Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

(27)

view of observations/directions of the Supreme Court and it was also emphasised therein that no near relative, except the widow or son or daughter only of the deceased can be considered for compassionate appointment. Accordingly, the claim of the applicant was not entertained/processed, besides informing her of the ruling position also vide letter No. B2/RE/Relax/MSR., dt. 28.8.95. As such, the allegation of untenable / unreasonable attitude of the part of the Respondent-1 as alleged by the applicant is untrue and not maintainable. The Respondent-1 acted more judiciously within the guidelines/rules issued from time to time by the Department on the subject.

In reply to Para - 7 of the O.A., it is submitted that the applicant did not prefer any representation either to the Postmaster-General, Vijayawada or to the Chief Post Master-General through the 1st Respondent. She requested the 1st Respondent to consider the case of her grandson for appointment under relaxation of recruitment rules on 23.3.95. As the grandson is not eligible to be appointed under compassionate grounds, the applicant was informed of the position and the case was not further processed keeping in view of the guidelines issued vide C.O. Letter No. RE/1-27/CA/EDAs dated 16.1.95, wherein it was directed to forward the eligible cases only for consideration. Hence, the applicant has not exhausted the remedies available to her and O.A. is not maintainable in law.


ATTESTOR

सहायक लेखा अधिकारी (बजट)
Assistant Accounts Officer (Budget)
मुख्य पोस्टमास्टर जनरल का कार्यालय
Office of the Chief Postmaster General,
आ० १, ए० १८८८, हैदराबाद-५०० ००१,
A.P. CIRCLE, HYDERABAD-500 001.


DEPONENT

Asst Postmaster General (S. & V.)
0/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

For the reasons stated above, the applicant has not made out any case either on facts or on law and there is no merit in the O.A. It is, therefore, prayed that this Honourable Court may be pleased to dismiss the O.A. with costs and pass such further and other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Khas

DEPONENT

Asst. Postmaster General (S. & V.)
O/o. Chief Postmaster General,
A.P. Circle, Hyderabad-500 001.

Solemnly and sincerely affirmed
this 11th day of December, 1997
and he signed his name in my
presence.

M. N. M.
ATTESTOR

मुख्य डेपोटी अधिकारी (बजेट)
Additional Accounts Officer (Budget)
मुख्य डेपोटी अधिकारी कार्यालय
Office of the Chief Postmaster General,
A.P. Circle, Hyderabad-500 001,
A.P. CIRCLE, HYDERABAD-500 001.

BRM*

Annexure B

(29)

No. 14014/20/90-Estt.

Govt. of India, Ministry of Personnel, Public Grievances and
Pension (Department of Personnel and Training)

New Delhi, the 9, December, 1993.

OFFICE MEMORANDUM

Sub: Compassionate appointment of near relatives of
deceased Government servants.

The undersigned is directed to say that, the existing scheme of compassionate appointment under the Central Govt. is contained in this Department's OM No. 14014/6/86-Estt (D) dt'd the 30th June, 1987 read with the OM dated 17th Feb., 1988 22-9-92, 28-9-92 and 25-1-93 (copy enclosed). The question whether the compassionate appointment of near relatives amounts to appointment on the basis of descent and is therefore violative of Article 16(2) of the Constitution, was recently considered by the Supreme Court. The Supreme Court in its judgement dated 8th April, 1993 in the case of Auditor General of India and others Vs. Shri G. Anat Rao Rajeswara Rao has held as under:-

" If the appointment are confined to the son/daughter of widow of the deceased government employee who died in the harness and who needs immediate appointment on grounds of immediate need of assistance in the event of there being no other earning member in the family to supplement the loss of income from the bread winner to relieve the economic distress of the members of the family, it is unexceptionable. But in other cases it can not be a rule to take advantage of the memorandum to appoint the persons to these posts on the ground of compassion. Accordingly, we allow the appeal in part and hold that the appointment in para 1 of the memorandum is upheld and that appointment on compassionate grounds to a son, daughter or widow to assist the family to relieve economic distress by sudden demise in harness of Govt. employee is valid. It is not on the ground descent simpliciter, but exceptional circumstances for the ground mentioned. It should be circumscribed with suitable modification by an appropriate amendment to the memorandum limiting to relieve the members of the deceased employee who died in harness, from economic distress. In other respects Article 16(2) clearly attracted".

2. The implications of the above observations/ directions of the Supreme Court on the existing ~~xxx~~ scheme of Compassionate appointment have been examined in consultation with the Ministry of Law (Department of Legal Affairs). It has been decided to delete the provision in the existing scheme providing for appointment on compassionate ground of near relative. In other words, no near relative will henceforth be eligible for appointment on compassionate ground and it is only a widow or son or daughter or adopted son or adopted daughter of a deceased Govt. servants. who can be considered for appointment on compassionate grounds. However, if a Government servant is retired on medical grounds under Rule 38 of Central Civil Services (Pension) Rules, 1972, or corresponding provision in the Central Civil Service Regulations, before attaining the age of 55 years (57 years for group 'D') and the Ministry/Department is satisfied that the family is in great economic distress, his wife or son or daughter may also be considered for appointment on compassionate grounds.

(Copy)

allied
Besess

SR. SUPDT. OF POST OFFICE
PRAKASAM DIVISION
ONGULI-523001.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

O.A. No. 1220 of 1997

Between :

Smt. M. Subbulu .. Applicant

And

Sr. Supdt. of Post
Offices,
Prakasam Division,
Ongole & others .. Respondents

Filed on :

Reply Statement

Filed by : N.R. Devaraj,
Sr. C.G.S.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
HYDERABAD

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C.A. No. 1220 OF 28 1997

DATE OF DECISION: 29.1.98

Smt. M. Subbanna PETITIONER (S)

K. Venkateswara Rao ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Sr. Subdt. of Post Office, Ongole Division, Ongole RESPONDENT (S)

MR. Devaraj ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE SRI H. Rajendra Prasad, M(A)

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches

JUDGEMENT DELIVERED BY HON'BLE HON. MR. H. Rajendra Prasad, M(A)

(33)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1220/97

dt.29-1-98

Between

Smt. M. Subbulu

: Applicant

and

1. The Sr. Supdt. of Post Offices
Ongole Division
Ongole

:

2. Sub Divnl. Inspector (Postal)
Addanki 523201

3. Chief Postmaster General
AP Circle
Dak Sadan
Hyderabad

4. Postmaster General,
Vijayawada Region
Vijayawada

: Respondents

Counsel for the applicant

: K. Venkateswara Rao
Advocate

Counsel for the respondents

: N.R. Devaraj
SOGSC

Coram:

Hon. Mr. H. Rajendra Prasad, Member (Admn.)

(34)

Order

Oral order (per Hon. Mr. H. Rajendra Prasad, Member(Admn.)

Heard Mr. T.V.V.S. Murthy on behalf of Mr. K. Venkateswara Rao for the applicant and Mr. N.R. Devaraj for the respondents.

1. The husband of the applicant passed away in December, 1992. A son of the family is stated to have deserted them several years prior to the death of the applicant's husband. Her daughter, married but abandoned by her husband, has a son to look after, and has taken up residence with her mother. The applicant wants a compassionate appointment in favour of this boy i.e., her grand-son through her daughter. She has submitted a representation on 6-3-1996 to the same effect. It is submitted by Mr. Devaraj that after the death of the applicant's husband, another person who was appointed in his place has also retired on superannuation and one more official who had earlier been thrown out of his job has been reinstated and been regularly appointed to the same post.

2. Learned counsel says that there is no provision to appoint grand-children to the post especially in the light of the clear view expressed by Hon. Supreme Court in the case of Auditor General of India and other Vs. G. Ananta Rajeswara Rao. The judgement dated 8-4-1993 of the Apex Court contained the following findings and directions (R-1 to the OA);

"If the appointment are confined to the son/daughter of widow of the deceased government employee who died in the harness and who needs immediate appointment on grounds of immediate need of assistance in the event of there being no

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other earning member in the family to supplement the loss of income from the bread-winner to relieve the economic distress of the members of the family, it is unexceptionable. But in other cases it cannot be a rule to take advantage of the memorandum to appoint the persons to these posts on the ground of compassion. Accordingly, we allow the appeal in part and hold that the appointment in para-1 of the memorandum is upheld and that appointment on compassionate grounds to a son, daughter or widow to assist the family to relieve economic distress by sudden demise in harness of Government employee is valid. It is not on the ground descent simplifier, but exceptional circumstances for the ground mentioned. It should be circumscribed with suitable modification by an appropriate amendment to the memorandum limiting to relieve the members of the deceased employee who died in harness, from economic distress. In other respects Article 16(2) clearly attracted."

3. The DOP has accordingly issued a circular instructing that no near relative shall henceforth be eligible for compassionate appointment except a widow, son or daughter, or adopted son or adopted daughter of the deceased government servant. Mr. Murthy submits that since the death of the applicant's husband occurred much prior to the judgement of the Supreme Court order or the issue of the circular by the DOP, this cannot apply as bar to the claim of the present applicant. This is ^{not} accepted.

4. Almost nine years have elapsed since the death of the applicant's husband. Much has happened after that date including the appointment of two successive candidates to the same post which fell vacant on account of the death of

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W.M.

applicant's husband. The circumstance of 'indigence' or, alternatively, having to provide minimum ^{immediate} succor to the bereaved family due to loss of bread-winner will not, therefore, be available after such a long gap of time. There is no merit in the OA. The same is disallowed with the observation that the applicant's grand-son is free to offer his candidature for any post for which he is eligible at any time in future, subject to his fitness, in the normal course. The respondents may accord whatever consideration that is possible as per rules, the merits of his claim, and his overall eligibility, based on the fact that he had gained some experience in the Department for a period of more than one year. Such consideration may be given to the extent possible and permitted by rules.

5. Thus the OA is disposed of.

9.5.1.1
(H. Rajendra Prasad)
Member (Admn.)

Dated : January 29, 98
Dictated in Open Court

Amma 5-29-98
Deputy Registrar

sk

O.A.1220/97

To

1. The Sr. Supdt. of Post Offices, Ongole Division, Ongole.
2. The Sub Divisional Inspector (Postal) Addanki-201.
3. The Chief Postmaster General, A.P.Circle, Dak Sadan, Hyderabad.
4. Postmaster General, Vijayawada Region, Vijayawada.
5. One copy to Mr.K.Venkateswar Rao, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.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.

11/2/98
I Court

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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: 21-1-1998

~~ORDER~~ JUDGMENT:

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

in

O.A.No. 1220/97

T.A.No.

O.W.R

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

