

FORM NO. 21

(Sec Rule 114 )

THE  
IN/CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

OA / ~~TA/RA/CE/MA/PT~~ ..... 1220 ..... of 1997

..... M. Subbala ..... Applicant (S)

Versus

..... The S. N. Supt. of P.O. (Ayyl. & 2nd)

..... Respondent (S).

INDEX SHEET

Serial No	Description of Documents and Dates.	Pages.
Docket Orders.		1
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.

C.A. No. 1220 of 1997.

M. Subbular Applicant(s).

VERSUS.

The Sr. Supdt. of Post offices, Ongole & 30th  
(Respondents).

Date	Office Note.	ORDER
------	--------------	-------

17.9.97.

Heard Mr. K. Venkateswar Rao  
for the applicant.

Notice before admission.  
Reply 6 weeks i.e. 31.10.97.

*[Signature]*  
HARP  
MCA

NBA  
31.10.97  
G  
18/9/97

Issued  
22/9/97

RSM.

31-10-97

Mr. V. Rajeswar Rao on behalf  
of Mr. N.R. Devaraj requests for  
two weeks to file a reply to the  
notice sent on 22-9-97. The  
same is granted.

List it immediately thereafter

*[Signature]*  
HARP  
M(A)

17.12.97.

SM

The Case to be listed after  
vacation at the request of applicant's  
counsel. Mr. W. Satyanarayana mentions  
that a counter is being filed within  
3/4 days. List it after opening of the  
Court after <sup>the</sup> vacation.

RSM

*[Signature]*  
HARP  
M(A)

(1)

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. List on 28/1/98.

Jr  
HAR A.  
M(A)

DSW

29.1.98

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

~~HR~~

Jr  
HAR P  
M(A)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1220 OF 1997.

M. Subbulu

(Applicants(s))

VERSUS.

Union of India, Repd. by.

The Sr. Supt of Post offices

Ongole 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 9-97

By 12/9/97  
Scrutiny Asst.

Ambr  
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 envelopes (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 clerk may be filed.

*Aw*  
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

....

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Sl. No. 2947/92

Report in the Scrutiny of Application.

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

Applicant(s) M. Subbulu

Respondent(s) The Sr. Supdt of Post Office Ongole 4300

Nature of grievance Compassionate appointment

No. of Applicants 1 No. of Respondents 4

CLASSIFICATION.

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

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). 43
2. Whether name description and address of all the parties been furnished in the cause title. 43
3. (a) Has the application been fully signed and verified. 43  
(b) Has the copies been duly signed.  
(c) Have sufficient number of copies of the application been filed. 43
4. Whether all the necessary parties are impleaded. 43
5. Whether English translation of documents in a language other than English or Hindi been filed. -
6. Is the application on time, (See Section 21). 43
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. 43
8. Is the application maintainability. 43  
(U/S 2, 14, 18, or U/R. 8 Etc.,)
9. Is the application accompanied IPO/DD, for Rs.50/- 43
10. Has the impugned order's original, duly attested legible copy been filed. 43

P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BRANCH: HYDERABAD

I N D E X

O.A.NO. 1220 of 1997.

CAUSE FILE M. Subbulu

V E R S U S

The Sr. Supt of P.O., Ongole & 30th

SL.NO.	Description of Documents	Page No.
1.	Original Application	1 to 5
2.	Material Papers	6 to 15
3.	Vakalat	1.
4.	Objection Sheet	-
5.	Spare Copies 4. (Four)	
6.	Covers n. A	

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

②

S.M. Case

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT: HYDERABAD

O.A.NO. 1220 OF 1997

Compassionate appointment  
Postal (misc)

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. Representation rejected on 25.8.95
3. Further representation dt. 6.3.96.
4. Provisional appointment terminated on 22.7.1997.

2  
1  
3  
1

11/11/1997  
Counsel for the Applicant.

Recd  
12/9/97  
R. N. R. Denny  
cu





8

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.	Nol132/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.

*Veratane*  
Counsel for the Applicant

FOR OFFICE USE ONLY:

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

Signature of the Registrar.

(4)

- ) -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1220 OF 1997

Between:

Smt.M.SUBBULU, 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.

... 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,  
Jayalaxminivas,  
New Nallakunta, Hyderabad.  
Shown as above

2. Particulars of Respondents :

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 grand son on compassionate grounds consequent on the death of her husband M.V.Ramanaiah and also terminating the appointment of her grand 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 Dhobhi 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 pathetic 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

(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.

(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 D.A./W.P. in this regard and such a case is not pending in any court or authority of law.

-5-

(8)

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 in rejecting 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 of 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.

11. COURT FEE:

I.P.O. No. & Date :

812 2297384 (15-8-97)

Name of the P.O. which drawn :

1 Cachegla H.O.  
A 6501-A

12. ENCLOSURES:

IPD. Material Papers, Covers, Pads & etc.

**U.P.O. & S.D. Ramore**

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 :

R Venkateswari  
Counsel for the Applicant

M. Subbulu

Signature of the Applicant

Sl. No. 7 / Cont. - 7

भारतीय डाक विभाग / Department of Posts, India

कार्यालय / Office of the

प्रवर अधीक्षक डाकघर  
Senior Supdt. of Post Offices

प्रकाशम मंडल, ऑफिस  
Prakasam Dn. ONGOLE-523 001

TO,

Smt M. Subbula

w/o late Ramanaiah

EDMC/DA, Ramkur.

w/o Vala Parla.

No 132 / RE / Release / MSR at dat aug 21/85

Sub: - Requesting for appointment as E post in any place to her grand son under relaxation of recruitment rules.

Ref: - your representation at 7-8-95.

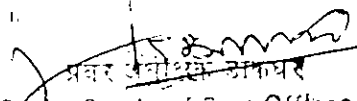
You are hereby informed that the case ~~can~~ cannot be considered under relaxation of recruitment rules as the grand son is not eligible for the concession and that the candidate

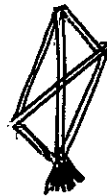
Pt. 449/94-95 V/a. Dt. 13.3.98, Sangeetha, Pg. 3, 000 Boats

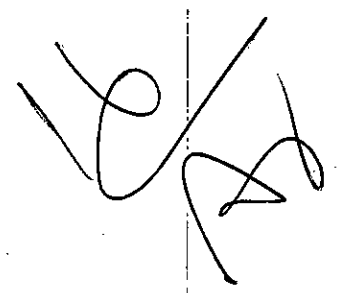
✓

67  
(10)

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

  
प्रवर अनोन्मि सेक्यर  
Super Supt. of Post Offices  
प्रकाशम मंडल, अंगोल  
Prakasam Dn. ONGOLE-523 001







AT 0.8 (11)



A.C.G.-61  
SUB-POST MASTER  
VALAPARLA - 521 036

भारतीय डाक विभाग

DEPARTMENT OF POSTS, INDIA.

विनियम 267, डाक-तार विनियम पुस्तिका का खण्ड 1, द्वितीय संस्करण)  
Rule 267. Posts and Telegraphs Financial Handbook, Volume I, Second Edition)

चार्ज की वस्तुओं पर चार्ज रिपोर्ट और मुद्राओं और टिकटों की रसीद  
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) से .....

was made over by (name) *B. Anjanagula EDMC/OA*

(नाम) को ..... स्थान  
to (name) *Sh. V. Padmalai* at (place) *Valaparla*

तारीख ..... को पूर्वाह्न में  
..... अपराह्न

On the (date) *22.7.97* ..... fore noon in accordance with *Regms 140*

*PF/ EDMC/OA/ Re markur 21/7/97 SD 1(P) Adk*  
No. ..... तारीख ..... के अनुसार दे दिया।  
Dated ..... from

*B. Anjanagula*  
भारमुक्त अधिकारी  
Relieved Officer

*...*  
भारमुक्ती अधिकारी  
Relieving Officer

[ कृपया पढ़ें ]  
[ P.T.O. ]

*...*

09/12

\*प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की अनेक पुस्तकों के बकाया (स्टॉक पुस्तक और रजिस्ट्रो 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 मुझे भारमुक्त 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) अपदाय/टिक्ट/ Stamp Imprest

जिसमें ये शामिल है :—

Made up of :—

(1) टिकट/ Stamps

(2) नकदी/ Cash

भारमुक्त अधिकारी  
Relieved Officer

भारग्राही अधिकारी  
Relieving Officer

तारीख 19  
Dated the 21/7/19

Forwarded to B. Anjaneyulu को भेजा गया ।

\* जब प्रमाण-पत्र की आवश्यकता न हो तो इसे काट दिया जा सकता है ।  
\* The Certificate when not actually required may be scored through.

[28-90/68-MI]

प्रमाण भुवनेश्वर/ MPP. BBSR. P.O. No. 52/88-89— 25.20.000— LOOSE  
DG POST No. 2-7/87-FPU-Dt. 21st March, 1988

Handwritten signature/initials.

ए० सी० जी०-61  
A. C. G.-61

भारतीय डाक विभाग  
DEPARTMENT OF POSTS, INDIA

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

चार्ज की लक्ष्मी पर चार्ज रिपोर्ट और नकदी और टिकटों की रसीद  
Charge Report and Receipt for cash and stamps on transfer of charge

प्रमाणित किया जाता है कि

Certified that the charge of the Office

Ramkrishna (Signature)

चार्ज: रा. कृष्ण  
was handed over by (name)

(नाम) को  
to (name)

(नाम) ने

स्थान  
at (place)

तारीख: ..... को ..... में

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

प्रमाणित किया जाता है कि चार्ज रा. कृष्ण को 29.8.58 के अनुसार दे दिया  
No. Docod. 29.8.58 (Signature) from

भारतमूक अधिकारी  
Relieved Officer

भारतमूक अधिकारी  
Relieving Officer  
(ह.प.उ.)  
(P. T. O.)

Handwritten signature

\*प्रमाणित किया जाता है कि आज के दिन इस कार्यालय की अनेक पुस्तकों के बकाया (स्टॉक पुस्तक और रजिस्ट्रों समेत) और लेखाओं की जांच की 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 मुझे भारमुक्त 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

प०

Rs.

P.

(अ) नकदी/Cash

(ब) अप्रदाय टिकट/Stamp Imprest

जिसमें ये शामिल है :—

Made up of :—

(1) टिकट/Stamps

(2) नकदी/Cash

भारमुक्त अधिकारी  
Relieved Officer

भारवाही अधिकारी  
Relieving Officer

तारीख  
Dated the

Forwarded to... को भेजा गया

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

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

प्रभासपुरी—13 व/90/MG PK—13 P 90(34)—6.5.91—19.5.91

12-90/68-141  
DIVISIONAL INSPECTOR (Postal)

Addanki Sub-Division

ADDANKI-923 201

Handwritten signature and initials.

D.O.P. India

ATV

P-12  
(15)

प्रदेशीय डाकघर  
Senior Division of Post Offices  
प्रदेशीय डाकघर  
Prakasam Dist. CNDLE-523 001

To,  
Smt M. Subbule,  
w/o late Ramanaiah,  
E.D.M. / DA,  
Ramakeri 9/w Valaparla

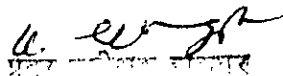
NO 1321 Relax / M.S. dated at angli the 7-6-95

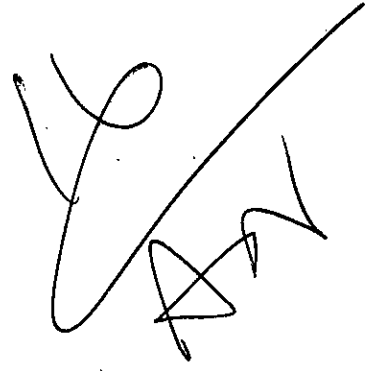
Sub: - Request for appointment  
under relaxation grounds  
- as E.D.M. / DA can be Smt M.  
Subbule w/o late Ramanaiah,  
E.D.M. / DA, Ramakeri 9/w  
Valaparla.

Ref: - Your representation dated 23<sup>3</sup>/95

You are here by informed

that the post of E.D.M. / DA, Ramakeri is  
not vacant. As such your request  
cannot be considered.

  
A. Venkatesh  
Senior Division of Post Offices  
Prakasam Dist. CNDLE-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

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. Peddaiah EDMC/DA Bollavarappadu BO A/W TMT 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. Ramanaiah, 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 service for any purpose including seniority.

A COPY OF THIS MEMO IS ISSUED TO:

1. Copy to Sri V. Peddaiah, EDMC/DA, Bollavarappadu, 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. Peddaiah 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. PF of the concerned ED Officials.
6. Copy submitted to the Senior Superintendents Post Offices, Ongole for information with reference to his letter No. H/40/Misc/ Dt. 13-06-97.
7. SPM Medaramitla T. Road, S.O. for information he will please relieve Sri V. Peddaiah, EDMC/DA, Bollavarappadu BO at once.
8. Spare.

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

AFV  
06.03.1996  
14  
17

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 BO.

\*\*\*

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 & 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 ~~my~~ 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.

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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 Superintendent 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.

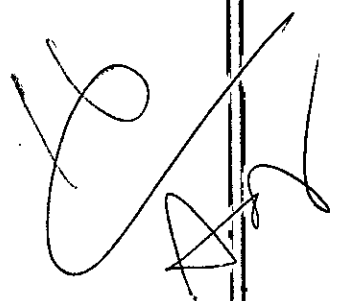
Yours faithfully,

Sd/-xxxxx,

L.T.I. of M.SUBBULU

Address:

M.Subbulu, W/o. Late Ramanaiah,





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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 :-

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.

*Res  
16 May 1998  
Jaw*

*[Signature]*  
ATTESTOR

सहायक लेखा अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमैस्टर जनरल (S & V)  
Office of the Chief Postmaster General,  
A.P. Circle, Hyderabad-500 001.

*[Signature]*  
DEPONENT

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

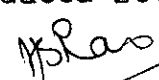
ii) Sri D. Balaguravaiah, Ex-EDMC/DA, Chalivendram BO a/w Darsi SO and one of the thrown-out candidates has been appointed in the above vacancy as EDMC/DA Ramkur BO a/w Velaparla SO with effect from 22.9.92. He retired on 30.6.1996 on completion of 65 years of age on superannuation.

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

सहायक लेखा अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमास्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
आ.प. चक्रे, HYDERABAD-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.

(2)

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. Paddaiah, 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.Ramanaiah and not eligible for concession of compassionate appointment as emphasised in O.M.No. 14014/2/90-ESTT(D), dt. 9.12.93 communicated

  
ATTESTOR

सहायक लेखा अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमास्टर जनरल का कार्यालय  
Office of the Chief Postmaster General  
आ : १०२२  
A.P. CIRCLE, HYDRABAD-500 001.

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

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. Peddalah, 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

  
ATTESTOR

सहायक लेखा अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमार्क कार्यालय  
Office of the Chief Postmaster General  
आ. १, पोस्टमार्क, हैदराबाद-५०० ००१  
A.P. CIRCLE, HYDERABAD-500 001.

  
DEPONENT

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


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 throwout 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

सहायक लेखा अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
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Office of the Chief Postmaster General,  
आ.प. व. मंडल, 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.

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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)  
Assistant Accounts Officer (Budget)  
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Office of the Chief Postmaster General,  
आ.प्र. परिमंडल, 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.

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

सहायक लेखा अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमास्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
आ.प. सर्कल, हैदराबाद-500 001.  
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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 become 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 putforth 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

सहायक वक्ता अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमास्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
जो. व. परिमंडल, 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,  
आ.प. सर्किल, 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.

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.

*H. Rao*

DEPONENT

Asst. Postmaster General (S. & V.)

O/o. Chief Postmaster General,

A.P. Circle, Hyderabad-500 001.

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

*N. M. M.*  
ATTESTOR

बजट अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमस्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
आ.प. सर्किल, हैदराबाद-500 001.  
A.P. CIRCLE, HYDERABAD-500 001.

BRM\*

*Annexure R-1*

(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.

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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 relations tantamounts 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. Anand 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 for 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 ~~or~~ 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 )

*Sludg**Beseco*

SR. SUPDT. OF POST OFFICES  
PRAKASAM DIVISION  
ONGOLE-523 001.

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.

32

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
HYDERABAD

O.A.No. 1220 OF 98 1997

DATE OF DECISION: 29.1.98

Smt. M. Subbala

PETITIONER(S)

K. Venkateswara Rao

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Sr. Supt. of Post-offices,  
Ongole Division, Ongole  
MR. Demang

RESPONDENT(S)

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)

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

Q. 1/1



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 simpli-  
otor , 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."

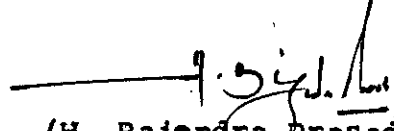
3. The DOP has accordingly issued a circular instructing that no near relative shall henceforth be eligible for compassionate appointment except a widow, son or daughter, or adopted son or adopted daughter of the deceased government servant. Mr. Murthy submits that since the death of the applicant's 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 <sup>not</sup> 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

*Sd/-*  
21.

applicant's husband. The circumstance of 'indigence' or, alternatively, having to provide minimum <sup>immediate</sup> 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.

  
(H. Rajendra Prasad)  
Member (Admn.)

Dated : January 29, 98  
Dictated in Open Court

  
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

TYPED BY  
COMPAED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYLERABAD 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. (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.

