

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH, HYDERABAD

03. 10. 1997 / P / MA / PT 1.2.96 OF 1997

..... Shank Albasali Applicant(s)

versus

..... Mr. Chairman Telecom Commission
New Delhi 200001 Respondent(s)

INDEX SHEET

Serial No.

Description of Documents

Pages

Docket Orders

.....

Interim Orders

.....

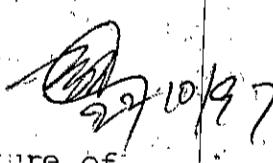
Orders in MA (s)

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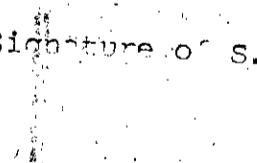
Orders in (Final Orders)

1-10-97

21 to 27


Certified that the file is complete
in all respects.

Signature of
Dealing Hand
(In Record Section)


Signature of S.O.

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

D.A. No.

1296

of 1997.

Shahn Abbasi

Applicants(s).

VERSUS.

The Chairman Telecom Commission
New Delhi
and 20 others.

(Respondents).

Date	Office Note	ORDER
30.9.97		List it tomorrow i.e. 1.10.97 MO S/ H R P M(A)
1.10.97		None for the applicant. Mr. V. Rajeswar Rao, Standing Counsel for the respondents. The OA. is disallowed and dismissed at the admission stage. S/ H R P M(A) KSM

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SECYHYDERABAD.

ORIGINAL APPLICATION NO. 1296 OF 1997.
Shaik Abbas Ali

(Applicants(s))

VERSUS

~~Mr. S. T. Iyer, Esq.~~

Chairman, Telecom Comms,

New Delhi & 2 others

Respondents(s)(s)

The Application has been submitted to the Tribunal by Shri K. Manikyala Rao Advocate ~~Advocate~~

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 No. 29/9/97

Amber
DEPUTY REGISTRAR (JUDL).

10. Is the application accompanied I70/00, for Rs.50/-.
11. Have legible copies of the annexure duly attested been filed.
12. Has the applicant exhausted all available remedies.
13. Has the Index of documents been filed and pagination done properly.
14. Has the declaration as a required by item No. 7 of form, I been made.
15. Have required number of envelops (file six) bearing full addresses of the respondents been filed.
16. (a) Whether the relief sought form arise out of single cause of action.
- (b) Whether any interim relief is prayed for.
17. In case an application for condonation of delay is filed, it supported by an affidavit of the applicant.
18. Whether it is cause being heard by a single bench.
19. Any other points.
20. Result of the scrutiny with initial of the scrutiny clerk.

Scrutiny Assistant.
39/9/97

May 5
number

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Dairy No. 3070

Report in the Scrutiny of Application.

Presented by K M Rao Date of presentation.

Applicant(s) Sh. Abas Ali

22/3/97

Respondent(s) Chairman, Telecom, Delhi & Ors.

Nature of grievance Comp. Act

No. of Applicants 1 No. of Respondents 3

CLASSIFICATION.

Subject Comp. Act Department Telecom (No. 11)

1. Is the application in the proper form, (three complete sets in paper books form in the two compilations). 21
2. Whether name description and address of all the parties been furnished in the cause title. 21
3. (a) Has the application been fully signed and verified.
(b) Has the copies been duly signed. 21
(c) Have sufficient number of copies of the application been filed. 21
4. Whether all the necessary parties are impleaded. 21
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) 21
7. Has the Vakalatnama/Memo of appearance/Authorisation been filed.
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 3 Etc.,) 21
9. Is the application accompanied, duly attested legible copy been filed. 21

CENTRAL ADMINISTRATIVE TRIBUNAL (YADAVI BACHA BACHA: HYDERABAD)

INDEX SHEET

O.A. NO. 1226 of 1997.

C.U.E. TITLE

Shair-Abbasali

VOLUME

The Chairman, Telecom Commission
New Delhi and 20th

SL. NO.	Description of documents	Page No.
1.	Original Application	1 to 5
2.	Material Papers	6 to 20
3.	Vakelat	1.
4.	Objection Sheet	—
5.	Spare Copies 3. (None)	
6.	Covers 3. A	

Regd to direct the Respndt. no. 1 to consider
the representations of the applicant
dt. 17.10.95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :BENCH HYDERABAD: HYDERABAD:

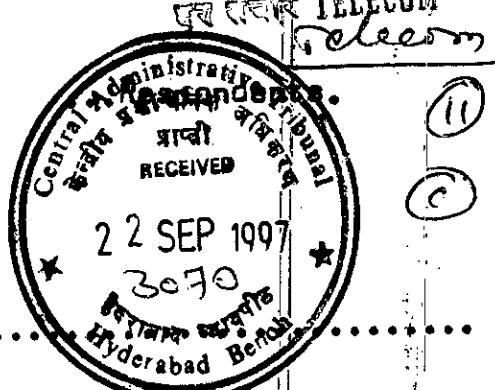
D.A.NO.....1296.....OF 1997.

Sangh
Between:

Shaik Abbas Ali

And.
The Chairman, ~~Telecom Commission~~,
Telecommunications Board,
New Delhi and 2 others.

① Compassionate
Appointment
.... Applicant.



:: CHRONOLOGICAL EVENTS:::

1. The applicant worked in the Telegraph Department. P.2.
2. The applicant retired ~~from~~ from Service on Medical grounds at the age of 54 years. P.2.
3. The applicant having 4 years more service to get the retirement on superannuation 30-11-98. P.2.
4. The applicant submitted representation to the 2nd Respondent to appoint his son i.e. Abbas on compassionate grounds either Group 'C' or Group 'D'. P.3.
5. The applicant also submitted a representation on 17.2.95. P. 3.
6. The 2nd Respondent rejected the representation of the applicant. 29.9.95. P.3.
7. The applicant submitted a representation to the 1st Respondent to consider the appointment of his son, the same is pending. P.3.

Hyderabad:

Dt: 22-9-1997.

M. Moulibegal M.
Counsel for Applicant.

*Receiving
Handed
22/9/97
to Mr. Devan
SACB*

Applicant filed under Section 19 of Central Tribunal Act, 1985.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :BENCH AT HYDERABAD:HYDERABAD:

O.A.NO.....1296.....OF 1997.

Between:

Shaik Abbas Ali

..Applicant.

And.

The Chairman, ~~Telecommunications Board~~,
New Delhi and 2 others.

.. Respondents.

:: MATERIAL PAPERS INDEX::

S.No.	Date:	Particulars of papers.	Annexure.	Page Nos
1.		Original Application.	Annexure-I.	1-5.
2.	19-10-95.	Representation of the Applicant to the 1st Respondent.	Annexure.II	6-11.
3.	7.2.1995.	Representation of the Applicant to the 2nd Respondent.	Annexure.III.	12-13.
4.	7.2.1995.	Representation of applicant son to the 2nd Respondent.	Annexure.IV	14-15.
5.	31.1.1995.	Form issued by Physician & Civil Surgeon Govt.Hospital,Guntur.	Annexure.	16.
6.	29.12.94.	Letter No.EST-13/SK.A/94-95 dt.29.12.94 issued by Superintendent, Telegraph Traffic Division, Rajahmundry.	Annexure. VI.	17.
7.	29.9.95.	No.I.A./STA/(R) 13-9/95 issued by Chief General Manager office,Hyd.	Annexure. VII	18.
8.	27.1.95.	TA/TFC/26-2/Rc/94/97 issued by Chief General Manager.	Annexure.VIII	
9.	25.12.94.	Representation of Applicant.	Annexure.IX	20.

Hyderabad:

Dt:22-9-1997.

SK. Al Basali
Applicant.

For use in the office of Tribunal

Date of filing:

Registration No:

Signature of Registrar.

K. Hanayali

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An = 1

Application filed under Section 19 of Tribunal Act.1985.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD:AT:HYDERABAD:

D.A.NO.....1206 OF 1997.

Between:

Shaik Abbas Ali S/o Abbas Ali,
aged 56 years, S.S.S.Rtd.
Door No. 13/108,
Dhawaleswaram
Behind Police Station,
E.Godavari District. ...Applicant.

And.

1. The Chairman, ~~Telecommunications Board~~
New Delhi.
2. The Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad.
3. The General Manager,
Telecommunications, East Godavari District.
at Rajahmundry. ...Respondents.

DETAILS OF THE APPLICANT:

1. NAME AND ADDRESS AND DESCRIPTION OF THE APPLICANT:

As given in the cause title.

The address for Service of all notices and process on
the above named Applicant is that of his counsel
Mr.K.Manikyala Rao, Advocate, H.No. 1-8-702/33/D, Nallakunta,
Hyderabad...44.

2. NAMES, ADDRESS AND DESCRIPTION OF THE RESPONDENTS:

As given in the cause title.

3. PARTICULARS OF THE ORDER AGAINST WHICH THIS O.A. IS FILED:

(a) No. I.A/STA(R)/13-9/95, dt. 29.9.95 passed by the 2nd Respondent.
Against that, the Applicant submitted representation on 19.10.95
to the first Respondent, but the same is pending. Hence this O.A.

K. Manikyala Rao

(b) BRIEF FACTS:

This O.A. is filed questioning the in-action of the first Respondent, for not considering the Applicant's representation ~~on~~ at 19.10.1995. ~~for compensation & appointment to~~
~~an amr~~

4. JURISDICTION:

The applicant declares that the subject matter of this O.A. is within the jurisdiction of this Hon'ble Tribunal. ~~under~~
✓ See TA & A.F Act. 1985 ✓

5. LIMITATION:

The applicant submitted representation on 19.10.1995 to the first Respondent, but the same is pending. Hence this O.A. is within the limitation envisaged under Section 21 of Administrative Tribunal Act. 1985.

6. FACTS:

A) The applicant submits, that the applicant worked in the Telegraph Department for a period of 35 years, and retired due to his illness as he was declared unsuitable to render Service on the physician and Civil Surgeon Government Hospital, Guntur issued Certificate that the applicant was completely and permanently incapacitated for further service as he was suffering from Chronic obstructive air way disease. Thereafter the department considered the case of the applicant and he was permitted to the applicant to retire on 22.1.95. i.e., at the age of 54 years. The applicant was having 4 years more service, to get retirement or Superannuation on 30-11-98.

B) The applicant submits that his family consists of self, wife, son, daughter-in-law and grand daughter, altogether

[Signature]

5 members. The applicant's son is a major and not having any job. He possessed necessary qualification to get the job in group 'C' or Group 'D'. The applicant submitted a representation on 7.2.95 to the 2nd Respondent herein stating all the facts about his service and retirement and requested him to provide job to his son i.e., Abbas, who got required qualification for the appointment in Group 'C' or Group 'D'.

The applicant's son also submitted a representation on 17.2.95 to the 2nd Respondent requesting him to absorb him in the Service and provide either Group 'C' or Group 'D' post as his father retired from Service on medical grounds 4 years before attaining superannuation.

C) The applicant submits that the 2nd Respondent after receiving the representation of the applicant, he passed the following order in: No. IA/STA(R)/13-9-95 , dt. 29.9.95:

"Please refer to your request for appointment on compassionate grounds in relaxation of recruitment rules for group 'C' post. The case has been examined by the High Power Committee with regard to terminal benefits, the property, the liability and the size of the family, I am directed to say that it have been decided to REJECT the request for appointment in relaxation of recruitment rules in this case."

D) Aggrieved by the said order of the 2nd Respondent the applicant submitted a representation to the first Respondent on 29.10-95 , requesting him to considered the appointment of applicant's son on compassionate grounds and appoint him in the department in a suitable post. But even though the applicant submitted representation on 19-10-95 , the first Respondent has not disposed of the applicant's representation dt. 19.10.95 till to-day.

(D-
Mangalal Rao

REMEDIES EXHAUSTED:

The applicant declares that he has no other alternative remedy except to approach this Hon'ble Tribunal by filing this O.A.

SV MATTERS NOT FILED EARLIER OR PENDING BEFORE OTHER COURTS

The applicant further declares that he has not filed any other O.A. or writ or any other proceedings are pending before any court/ Tribunal for the reliefs prayed for in this O.A.

48. MAIN RELIEF:

Hence, in the interest of justice, it is prayed that this Hon'ble Tribunal may be pleased to direct the first Respondent to consider the representation of the Applicant dt. 19-10-95 and pass orders accordingly 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 prayed that this Hon'ble Tribunal may be pleased to direct the Respondents to provide job to the Applicant's son i.e., Abbas either in Group 'C' or Group 'D' pending disposal of the above O.A. and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

12. PARTICULARS OF THE P.O. IN RESPECT OF O.A.FEE:

ANSWER Book

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127
15.

LIST OF ENCLOSURES:

1. Vakalat. 2. Postal order.
3. Material papers. 4. Pads and covers.

:: V E R I F I C A T I O N ::

I, the above named applicant herein to hereby
declares that the contents of the above O.A. paras 1 to 13
are true and correct to the best of my knowledge and belief
and on the advise of my counsel which I believe to be true. and
I have not suppressed any material facts ✓
Verified on this 15th day of September, 1997

at Hyderabad:

U. Maulikeyalal
COUNSEL FOR APPLICANT.

SK. Albasale

APPLICANT.

From:

SK. Abbas Ali
SSS.Rtd.
Door No.13/108,
Domialiswaram:

Rajahmundry Rural Mandalam,
E.G.District.(Andhra Pradesh)

To.
The Chairman,
Telecom Board,
New Delhi.

Dated: 19-10-95.

Ann: 11

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:: Through proper Channel::

.....

Respected Sir,

Sub:-Appointment of unemployed son in
relaxation of Recruitment Rules-Rejection
by H.P.C. Office of the C.G.N.T.A.P., Circle
Hyderabad-petition- Regarding.

Ref: 1. My representation and the application of
my son for appointment in Grade-'C' Cadre
in the Department on compassionate Grounds,
submitted on 07-02-1995.
2. Memorandum No.TA/STA(H)/18-9/95, dated
29.9.1995 of the C.G.M.(Telecom), A.P.
Hyderabad rejecting my representation and
my son's application for recruitment in
Grade-'C' Cadre.

I submly beg to submit the following petition against
the orders of the Chief General Manager, Telecom, Andhra Pradesh,
Hyderabad(Encl.I) conveying rejection of the case of my son SE.Abbas
for appointment in Grace.-C.Cadre in the department on
comapssionate grounds, consequet on my retirement from services
on Medical grounds.

I have been suffering from throad trouble from over two
years which was preventing me from discharging my official
duties effected. Hence I was compelelled to seek retirement on
Medical grounds.

The Department has directed me to appear before the Civil
Surgeon Government General Hospital, Guntur, where I was bed
ridden. The physician and Civil Surgeon of the Government General

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Hospital, Guntur has viugnised my case as "Chronic obstructive Atrmay Disease" and issued a certificate pronouncing me as permanently incapacitated for further service of any kind in the department.

Accordingly the Department has permitted me to retire on invalid grounds, vide COMT.A.P.HYDERABAD, Memo No.TA-TFC/26-2/HG/94/97 of dated 27.01.1995
(Enclosure-2)

I have got two daughters (who were married) and a son who is unemployed and who is married and dependent upon me for his livelihood. The recent ill-health from which I am suffering made heavy drain on my slender financial resources. Added to this my unemployed son aged 20 years, also become a liability. I have further liabilities to the extent of Rs.35,000/- which are the cumulative effect of various previous one like marriages of my two daughters etc.,

I own a house which was enlargement with departmental loan, and which is used for my residence. I get no rent from my house. I have still a balance of interest of Rs.4,150/- (Rupees Four thousand one hundred and fifty only) to be paid to the Department.

I have the misfortune of having an adult son aged 29 years, unemployed and completely dependent on me along with his wife for livelihood.

The Financial burden on my slender resources reached such an unbearable limit, that I was compelled to seek employment of my son in the department for Grade-C post vide my and my son's representation dated 7.2.1995 along with Annexure Part-II (vide enclosure 3 and 4). The Department wanted to consider my wife for appointment in the Department. However my studied upto 7th class only and is aged 47 years. Also she is suffering from Blood Sugar and High B.P. Since last two years and is at present bed

U. M. Meenakshi
Nayak

ridden. Hence I requested to consider the appointment of my son for a Grade-C post in the Department.

In view of the above mentioned pressing financial crises, I was anxiously awaiting the appointment orders for my son on compassionate grounds. But to my utter disappointment I was informed (vide CGMT. .P., Hyd Memo reference above) that the H.P.C. has examined the case with regard to terminal benefits, the property, the liability and the size of the family and decided to reject the request for appointment in relaxation of recruitment rules in my case.

In this connection I beg to submit that I was neither paid the D.C.R.G. nor my pension was settled and I was paid provisional ~~pension~~ pension upto July 95 only even though I retired on 27.1.1995. Even then meagre pension received by me could not be helpful in any way for the unbearable expenditure which was to be incurred in getting my wife cured for her blood sugar and high B.P. treatment. I was compelled to go on further loans for meeting the expenditure for my livelihood of my family and the medical treatment for myself and my wife. Now I am financially crippled even before the time of retirement as I am extremely burdened of the expenditure came from all corners.

I humbly beg to submit that my case completely fulfills the conditions laid down in para 2 of G.O.I. Ministry of personnel Public Grievances and pension (Department of personnel and Training) G.M. No. 14014/20/90-Estt(D), dated 9.12.1993 (Conveyed in D.O.T. ND Lr. No. 268-57/94-STN, dated 6-10-1994).

I humbly ~~beg~~ explain hereunder my financial position which prove that the summary dismissal of my case by the HPC is totally unjust and based on an incomplete examination of my

U. M. Montyala

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financial position and other conditions of my case I beg to submit my position in detail vis-a-vis the four items mentioned in the CGMT letter (Enclosure-I) on the basis of which my sons' appointment is rejected.

1. Terminal Benefits: Even though I have been ordered to retire for 27-1-1995, only provisional pension order was given by the Superintendent, Telegraph, Traffic Division, Rajahmundry for a period of six months. After its expiry on 27.7.95 no further extension of even the P.P.O. was issued to me. Consequently I was living without pension from two months. No retirement Gratuity is also paid so far. This has landed me in an utterly ruined condition and heavy debts.

2. Property: I have no property except a house in Dowlaishwaram which was originally uninhabitable and which was latter remodelled and built for living with Departmental loan. I am residing in my house with my wife and son and daughter-in-law and I get no rent as ~~as~~ I did not let out any portion of the house.

I shall own the Department Rs.4,150/- towards interest for the loan I have taken for remodelling the house.

3. Liabilities: The Liabilities resting on me after my invalid retirement are legion, no retirement benefits have reached me so far (except P.P.O. for ~~xx~~ six months) even after 8 months of retirement.

Besides, I have a sick wife, suffering from Blood pressure and High B.P. For her treatment and medicines I had to incur debts as my pension is insufficient to meet the expenses on the ill health of my wife and still I have to expend on the same regularly for her ~~xx~~ treatment.

U. M. Venkateswaran

(10)

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Also, my son aged 29 years is unemployed and he is married. He and his wife are entirely dependent upon me for their livelihood. You will kindly appreciate how unfortunate and financially crippling can a son be on his parents. There he is unemployed and married.

4. Size of family: I am not in a position to understand the this particular condition under which my son's candidature was disqualified, as no such condition was mentioned in G.O.L. Ministry of personnel, Public Grievances and pensions & referred above for recruitment on compassionate grounds.

Even if it is taken for granted that such a condition is laid down by the Department, still my critical financial position alone justifies my son's candidature for appointment in the Department.

I have two daughters and one son. The two daughters are married and live happily with their husbands. The marriages necessarily involved me in some financial debts.

Besides my only son (who is to look after me in my old age) is without a job and who is married. The dependence of an unemployed son and his wife and the financial pressure laid on the parents can be well imagined. If I had more sons at least some one would have taken care of my in my retired aged. But having only one son and he being unemployed is not only financially distressing to me, but creating mental agony.

The G.O.I being bend on implementing small family norms have given incentives for the employees for observing these norms. But I had observed the need of these norms and I had consequently implemented family planning long ago. I did not get any incentive from the Department at that time.

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You will therefore kindly notice that the size of the family has nothing to do with recruitment of candidates on compassionate grounds as it is the financial distress that counts as per Govt. of India orders referred above, and I feel that I am the most distressed, retired official, if your kindly taken into consideration the above detailed explanations of my family problems our ill-health and financial liabilities and I am confronted with.

Hence I beg to submit that myself and my family are in great economic distress since, I have got no other source of income and the expenditure involved in regular medical treatment of myself and my wife is high extent which can not be made good by my pension only if final pension is granted also. I will be in a position to lead a life if my only son is provided opportunity of leading his wife with his wife and his appointment only can be a help to my financial condition to just lead a life.

Hence, I finally once again beg your kindself to reconsider my son's candidature for appointment in the Department and do justice setting aside the H.P.C. decision in view of the detailed explanation I have submitted above, which, I feel more than abundantly fulfil the spirit of G.O.I Orders on the compassionate appointment of dependents of financially distressed Government servants who retire on invalid grounds.

Thanking you very much Sir.

Yours faithfully.

Sd/-SK.Abbas Ali)

Encl:

1. CGMT., A.P.Hyd.
Memo No.TAT/STA/(E) 13/9/95, dated 29.9.1995.
2. CGMT., A.P.Hyd. Memo No.TA/TFC/26-2/Rc./94/97, dt. 27.1.95.
3. Representation of Sri SK.Abbas son of Sri SK.Abbas Slt.Rtd.,
7-2-95
4. Representation of Sri SK.Abbas son of SK.Abbas Slt.Rtd.
SSS.dt.7.2.95 with Annexure-Part-II.
5. Extract of para 2 of G.O.I, Ministry of personnel, Public
Grievance (Pension) (Department of personnel & Training)
G.E.NO.14014/20/90-Estt.(D) dt.9-12-1993.

10 Mar 1995

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AN : 111

From:

SK.Abbasali,
Retd.SSO.
13-108, Behind the old Police Station,
Dowlaishwaram-533125.

To.

The Chief General Manager,
Telecommunications,
A.P.Circle, Hyderabad-500001.

Respected Sir,

Sub: Recruitment to Group 'C' post of
Group 'O' post under relaxation and
recruitment Rules on compassionate
grounds appeal for consideration
case of Sri SK.Abbas S/o SK.Abbasali
Retd.SSO o/o STT office,Rajahmundry-reg.

....

I,SK.Abbasali, served in Telegraph Department for
a period of 35 years and retired on invalid grounds before
attaining superannuation submit the following few lines for your
sympathetic consideration and favourable orders.

1. I worked in Telegraph Department for 35 years,
and due to my sudden illness I was declared unsuitable to
render service further. The department was kind enough to
consider my case for invalided retirement on medical grounds
and I was permitted to retire on 27.1.1995 (i.e.) at the age
of 54 years. I was having 4 years more service yet to get
retirement of superannuation on 30.11.1998.

2. My family consists of self,wife,son Daughter-
in-law and grand-daughter. Total five members.

3. In this connection I request the Chief
General Manager Telecommunications,Andhra Pradesh,Hyderabad
to consider my domestic problems and to issue orders for

1. *Pls. consider*

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(16)

appointment for my son in the department. While requesting as such I preferred the appointment to be given to my son Sri Sk. Abbas sober nature and he has more affection towards the parents and the members of the family and feels more responsible.

4. My retirement was the first below for me and my family as the almighty was very harsh in punishing me with serious health problem. I had some hope that humanity will be kept up by the Department by providing employment to my son so that my family can survive. Now my troubles are beyond words to narrate and I have been facing extreme problems in making both ends meet.

5. Sir, Yours is the Government vowed to mitigate the hardships of minority community, I request to you intervene and kind to my life by providing job to my son else the coming days would be more harder to me.

6. Sir, kindly shower your grace and help this poor man. I herewith enclosed my sons representation along with educational qualifications.

I am enviously awaiting for your sympathetic line of reply and favourable order sir,

Thanking you Sir,

Yours faithfully.

Rajahmundry.

Sd. Abbasali.

Dt: 7-2-1995.

// True copy//

(Signature)

14

$$An = \overline{IV}$$

7-2-95.

From: SK.Abbas
S/o Sk.Abbasali,
(Retired on Invalidation)SSO
13-108,Behind the old Police Station,
Dowlaishwaram 533125.

To

The Chief General Manager Telecommunications,
Andhra Pradesh Circle Hyderabad-500001.

Respected Sir,

Sub:pray for appointment in the Group 'C'
or Group 'D' Cadre.

• • • • •

I submit that my father Sri SK.Abbasali SSO o/o STT. office Rajahmundry has been retired on invalidation with effect from 27.1.1995 and there is no earning member in my family as on date.

I request that I may kindly be offered a group 'C' or group 'D' job since I am possessing the required qualifications and also eligible for the same under rules in relaxation of normal recruitment rules if your highness is pleased to help in this aspect. I am herewith enclosing the application in patt-1 under the rules in force along with copies of my educational qualifications.

I humbly pray that I may kindly be offered a job at a very early so that my father,mother,wife and daughter may not suffer for their lively-hood and their day to day needs and thus I will be in a position to serve my parents as expected of a son particularly at a juncture when my father is unable to do anything due to invalidation.

In this connection, I declare that I will through out look after my parents and attend on their welfare and day to day needs and in case of any failure on my part I can be punished under your department rules.

to Mass. Legislat.

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Therefore I once again pray that I may kindly be considered for appointment to group 'C' or group 'D' job for which act of kindness I shall be remain grateful to you.

Thanking you sir,

Yours faithfully.

Sd/- Sd, Abbas

// True copy.//

(Signature)

16

Am: V

FORM : 23.

"Certified that I/We have carefully examined Sri SK.Abbas Ali son of SK.Abbas Ali an S.S.O. in the Telecommunications Dept. Rajahmundry . His age by his own statement is 55 years, and by appearance about 55 years. I consider Sri SK.Abbas Ali to be completely and permanently incapacitated for further service of any kind in the Department to which he belongs in consequence of Chronic obstructive Airway Disease

(here state disease or cause)

(if the incapacity does not appear to be complete and permanent ,the Certificate should be modified accordingly and the following addition should be made).

I am of opinion that Sri.....
is fit for further service of a less laborious character
that that which he had been doing/may ,after resting for.....
months,be fit for further service of less laborious,character
he
than that which/had been doing.

Place: Guntur.

Sd/-xxxxxxxxxx

Dated 31st Jan.1995.

3/1
Dr.V.R.Jayaram, M.D.,
Professor of Medicine
Guntur Medical College,
Physician & Civil Surgeon
Govt.Central Hospital.

// True copy//

(Signature)

17

Ann

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DEPARTMENT OF TELECOMMUNICATIONS.

From:	To:
Superintendent, Telegraph Traffic Division Rajahmundry-533104	X Sri Sk. Abbasali. X SSO. X C/o SK. Subhan Shaheb Revenue Dept. Vutukur road Guntur.
T.F. 78610.	

No. EST-13/SK.A/94-95. Rajahmundry the 29.12.94.
Dated at...

Sub: Intention to retire an invalid pension-Reg.

Ref: your letter Nil Dated 25.12.1994.

• • • •

With reference to your letter dated 25.12.1994 you
are hereby permitted to appear before the Civil Surgeon Dist.
Medical Officer of Government General Hospital, Guntur.

The Certificate if any obtained may be submitted to this office for perusal and necessary action.

Sd/-xxxxxxxxxx

(Y. Ramakrishnarao)
Superintendent.

Telegraph Traffic Division.
Rajahmundry -533104.

T. F. No. 78610.

/// True copy//

R. Mostafa Elgabar

G.O.I.

DEPARTMENT OF TELECOMMUNICATIONS

M.O.C.

21
18
O/o The Chief General Manager, Telecom, A.P.Hyderabad-500001.

No.IA/STA(R)/13-9/95

Dated at HD the 29.9.95.

To.

Shri Shaik Abbas Ali,
13-108, Police Station,
Dhavaleswaram 533125.

Sub: Appointment of relaxation of recruitment rules-
case of

Please refer to your request for appointment on
compassionate grounds in relaxation of recruitment rules for
group C post. The case has been examined by the High Power
committee with regard to terminal benefits, the property, the
liability and the size of the family. I am directed to say that
it have been decided to REJECT the request for appointment in
relaxation of recruitment rules in this case.

Sd/-W.G.V.R.Setty)

Asst.Director(Staff)

for C.G.M.Telcom,A.P.Hyd-1.

Copy to

The General Manager, E.G.Telcom District, East Godavari.

// True copy//

(Signature)

:: 19 ::

Ann = VIII

G.O.I.

M.O.C.

DEPARTMENT OF TELECOMMUNICATIONS.

Office of the Chief General Manager Telecom, A.P. Circle,
Hyderabad-500001.

No.TA/TFC/26-2/Rc/94/97.

Dated at Hd.the 27.1.95

Sub: Invalid retirement-case of sri
S.K.Abbasali, Section Supervisor(O)
% STT, Rajahmundry- Reg.

Under the provisions of Rule 38 CCS(Pension) Rules 1972 and instructions issued thereon from time to time, Sri SK.Abbasali, Section Supervisor(O) % Supdt Tele Tfc.Rajahmundry is permitted to retire from Service on invalidation w.e.f. the Afternoon of the date of issue of this memo.

The Departmental dues, if any, have to be recovered from D.C.R.G. payable to the official.

Sd/- ~~xxxxxxxxxxxx~~

(K.Gopalakrishna)

Asst.General Manager(Admn)

for C.G.M.T., A.P.Circle, Hyderabad-1.

Copy to:

1. The official through STT, Rajahmundry,
2. The Supdt Tele Tfc, Rajahmundry,
3. Accounts officer(TA) % CGMT, A.P.Circlle, Hyderabad
4. O/c.
5. Spare.

// True copy//

C. Gopalakrishna

(22)
Ans. TX
:: 20 ::

From

Guntur.

Dated: 25.12.1994.

SK.Abbasali
SSO % the STT office
Rajahmundry leave at
Sk.Subhan Revenue
Department,Guntur.

To.

The Superintendent
Telegraph Traffic
Rajahmundry Division
Rajahmundry 533104.

Respected Sir,

As I am suffering with serious sickness. I may not be able to rejoin my duty continue in service. As per the Doctor advice , I may have to attend the General Government Hospital,Guntur. In case my bodily informity permanently incapacitates me, I will be forced to take Medical Certificate of sickness from Civil Surgeon of the Government General Hospital Guntur. In order to enable me to retire on invalid pension.

Inview of the above circumstances I request you to kindly permit me to appear before of Civil Surgeon/Govt. General Hospital,Guntur.

My leave address is furnished hereunder please.

Leave adds:

Sk.Abbasali
C/o Sk.Subhan Shaheb
Revenue department,
Vutukurroad,Guntur.

Yours faithfully.

Sd/-xxxxxxx

(SK.Abbasali)

// True copy//

(Signature)

24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No. 1296/97

Date of Decision: 1.10.1997

BETWEEN:

Sheik Abbasali

.. Applicant

AND

1. The Chairman,
Telecom. Commission,
New Delhi.

2. The Chief General Manager,
Telecommunications,
A.P. Circle,
Hyderabad.

3. The General Manager,
Telecommunications,
East Godavari District,
Rajahmundry.

.. Respondents.

Counsel for the applicant: Mr. K. Manikyala Rao

Counsel for the Respondents: Mr. V. Rajeswar Rao

CORAM:

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

ORDER

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

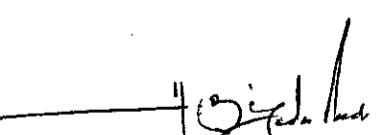
None for the applicant. Mr. V. Rajeswar Rao, standing counsel for the Respondents.

The applicant in this case is aggrieved by the decision contained in CGM, A.P. Circle, Hyderabad, letter No. IA/SPA(R)/13-9/95 dated 29.9.95 rejecting the request of the applicant for appointment of his son on compassionate grounds for a suitable job in consonance with his educational/professional qualifications. The applicant has been earlier permitted to retire from service on

medical invalidation with effect from 19.1.1995. A High Power Committee constituted to examine requests for appointment on compassionate grounds duly considered the case of the applicant and turned it down on the ground that the property possessed by family, their outstanding liabilities, the size of the family, and the quantum of terminal benefits already received do not warrant the appointment of the applicant's son on compassionate grounds. This decision was taken by a Committee of officers fully competent and capable of taking such decisions on the strength of the information available to them. This Tribunal has no special knowledge of the financial status or their problems other than what has been stated here in the OA, while the Committee possessed all details at the time of examining the applicant's request. They were also doubtless aware of the relative merits of all cases placed before them and were therefore in the best position to determine which of those cases deserved to be accepted with a view to accommodating the most deserving ones in the limited number of vacancies available. It is not therefore possible to intervene in the matter which has already been considered by the authorities concerned and rejected apparently on valid grounds.

The O.A. is disposed of with the direction that the representation of the applicant, addressed to 1st respondent, if received, shall be replied to within 120 days from the date of receipt of this order.

Thus the OA is disallowed and disposed of at the admission stage.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 1st October 1997.


Deputy Registrar

O.A.1296/97.

To

1. The Chairman, Telecom.Commission,
New Delhi.
2. The Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad.
3. The General Manager,
Telecommunications, E.G.Dist.
Rajahmundry.
4. One copy to Mr.K.Manikyala Rao, Advocate, CAT.Hyd.
5. One copy to Mr.V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm

29/10/97

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE.
VICE-CHAIRMAN

And

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

DATED:- 110/97

ORDER/JUDGMENT.

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

in

O.A.No.

1296/97

T.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed *et/w off capu (C)*

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
देशपाल/DESPATCH

27 OCT 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH