

46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O A 135 H 97

MA 707/97 in OASR 2109/97

DATE OF ORDER : 30-9-97.

Between :-

S.Venkateswara Rao

... Applicant

And

1. The Secretary, Dept. of  
Posts, Govt. of India,  
Dak Bhavan, Rafi Marg,  
New Delhi-110 001.
2. The Director General,  
Post Office, Dept. of Posts,  
New Delhi, India.
3. The Superintendent of Post  
Offices, Khammam Division,  
Khammam - 507 003.

... Respondents

-- -- --

Counsel for the Applicant : Shri A.V.Sesha Sai

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

-- -- --

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.Jai Parameswar, Member (J) ).

*B*

-- -- --

*D*

... 2.

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

-- -- --

None for the applicant. Sri W.Satyanarayana for Sri N.R.Devaraj, standing counsel for the respondents.

2. The applicant has filed this MA to condone the delay of 307 days in filing the OA. In the MA affidavit it is stated that after demise of his father, himself and his mother submitted number of representations to the respondent authorities requesting for consideration of the applicant's candidature <sup>for appointment on</sup> ~~for~~ compassionate grounds ~~appointment~~. The Superintendent of Post Offices, Khammam issued proceedings on 9-5-97 rejecting the claim of the applicant on the ground that the family <sup>was</sup> ~~is~~ not in indigent circumstances. Applicant submits that after demise of his father, who was the only bread <sup>earner</sup> ~~winner~~ in the family, the family members became destitutes and they <sup>were</sup> ~~are~~ forced to lead their lives in utmost poverty and they have no other source of income and therefore praying this Tribunal to condone the delay.

3. Respondents resist this MA in the counter filed to the OA. It is stated that the applicant has not explained delay with sufficient cause to condone the same.

4. The applicant eventhough <sup>has</sup> ~~stated~~ in the affidavit that his circumstances was not conducive to him to approach the Tribunal, ~~We~~ are not satisfied by the reply given by him. Hence we do not


R

1

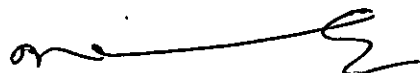
find the sufficient reason to condone the delay. Accordingly

the OASR stands rejected and the HA is dismissed.

no costs



(B.S. JAI PARAMESHWAR)  
Member (J)



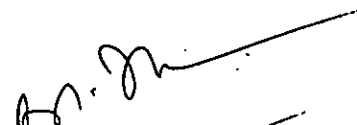
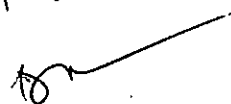
(R. RANGARAJAN)  
Member (A)

30.9.97

Dated: 30th September, 1997.

Dictated in Open Court.

avl/

DA.1351/97

1. The Secretary, Dept. of Posts, Govt. of India, Dak Bhavan, Rafi Marg, New Delhi.
2. The Director General, Post Office, Dept. of Posts, New Delhi.
3. The Superintendent of Post Offices, Khammam Division, Khammam.
4. One copy to Mr. A.V.Sesha Sai, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. DeVaraj, Sr.CGSC., CAT., Hyd.
6. One copy to HBSJP M(J), CAT., Hyd.
7. One copy to D.R.(A)? CAT., Hyd.
8. One duplicate copy.

srr

93/10/97  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :  
M (J)

Dated: 30/9/97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in

O.A.NO. 1351/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

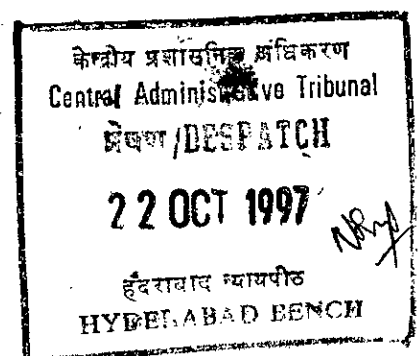
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1351/97

Between:

Dt. of Order: 30.12.97.

S.Venkateswara Rao

...Applicant

And

1. The Secretary, Dept. of Posts, Govt. of India,  
Dak Bhawan, Rafi Marg, New Delhi.
2. The Director General, Post Offices, Dept. of Posts,  
New Delhi.
3. The Superintendent of Post Offices, Khammam Division,  
Khammam.

...Respondents,

Counsel for the Applicants : Mr.A.V.Sesha Sai

Counsel for the Respondents : Mr.N.R.Devraj

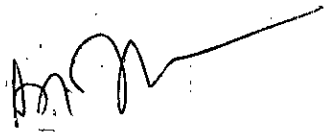
CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

This O.A. is called today. In view of the letter dt.11.12.97 M.A.707/97 in O.A.SR.21097 was dismissed by the order dt.30.9.97 for the reasons stated therein. If the applicant is aggrieved by the order passed earlier, the applicant may, if so advised, a Review petition. The letter filed by the counsel is disposed of.



DEPUTY REGISTRAR

..2..

Copy to:

1. The Secretary, Dept. of Posts, Govt. of India,  
Oak Bhavan, Rafi Marg, New Delhi.
2. The Director General, Post Offices, Dept. of Posts,  
New Delhi.
3. The Superintendent of Post Offices, Khammam Division,  
Khammam.
4. One copy to Mr.A.V.Sesha Sai, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj,&Sr.CGSC,CAT,Hyderabad.
6. One copy to spare.

YLKR

79/1/98  
TYPED BY  
COMPARED BY

(6)  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. DAI PARAMESHWAR :  
M(3)

DATED: 30/12/97

ORDER/JUDGMENT

M.A./R.A/C.A.NO.

in  
D.A.NO. 1351/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS  
DISMISSED

DISMISSED AS WITHDRAWN

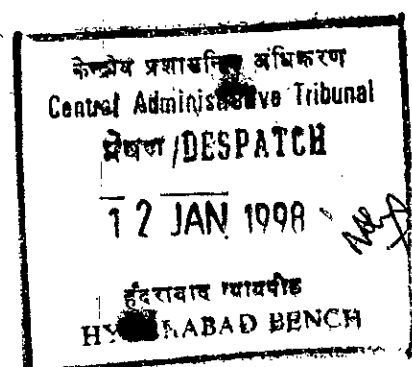
DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A. NO. 1351/97



Between:

Dt. of Order: 30.12.97.

S. Venkateswara Rao

...Applicant

And

1. The Secretary, Dept. of Posts, Govt. of India,  
Ask Bhawan, Rafi Marg, New Delhi.
2. The Director General, Post Offices, Dept. of Posts,  
New Delhi.
3. The Superintendent of Post Offices, Khammam Division,  
Khammam.

...Respondents.

Counsel for the Applicants : Mr. A.V. Seshu Sai

Counsel for the Respondents : Mr. N.R. Devraj

COMMISSION:

THE HON'BLE SHRI R.R. NAGAIYAN : MEMBER (A)

THE HON'BLE SHRI B.S. JAI PRASAD : MEMBER (B)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

This O.A. is called today. In view of the letter dt. 11.12.97 M.A. 707/97 in O.A. 37.21097 was dismissed by the order dt. 30.9.97 for the reasons stated therein. If the applicant is aggrieved by the order passed earlier, the applicant may, if so advised, a Review petition. The letter filed by the counsel is disposed of.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

Sd/-x x x  
DEPUTY REGISTRAR

न्यायालय  
Court Officer/Dy. Registrar  
केन्द्र प्रशासनिक न्याय  
Central Administrative Tribunal  
हैदराबाद बेंच  
HYDERABAD BENCH

8(LH) 21W SEC. 21 of

APPLICATION UNDER SECTION ~~OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985~~  
Administrative Tribunals Act, 1985  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: AT HYDERABAD.

M.A.No. 707 of 1997

in

O.A.No. 2109 of 1997

Between:

S.Venkateswara Rao S/o.Viswanadha Rao,  
aged about 38 years, Unemployee,  
R/o.Gampalagudem, Gampalagudem Mandal,  
Krishna district.

... Applicant.

A n d

1. The Secretary, Department of Posts,  
Government of India, Dak Bhavan, Rafi Marg,  
New Delhi - 110 001.

2. The Director General, Post Office,  
Department of posts, New Delhi, India. - 110 001/

3. The Superintendent of post Offices,  
Khammam Division, Khammam - 507 003.

... Respondents.

I. Brief facts leading to the Application:

The applicant herein respectfully submits that he is filing the main Original Application questioning the action of the respondents in rejecting his claim for appointment on compassionate grounds in the place of his deceased father who passed away on 25.5.1986 while he was working as Sub-Post Master, Tallada village, Khammam district, A.P.

It is respectfully submitted that after sudden and sad demise of the father, the applicant herein and his mother submitted a number of representations to the respondent authorities, requesting for consideration of the case of the applicant on compassionate grounds, ultimately after a continuous ~~persuasion~~ persuasion and persistent requests the Superintendent of post office,

contd.2.....

Khammam issued the impugned proceedings No.B1-5/Relaxation/S.V.Rao, dt.19.9.95 rejecting the claim of the applicant on the ground that the family of the applicant is not in indigent situation. It is respectfully submitted that after sudden and sad demise of the father of the applicant who was the only breadwinner of the family, the family members have virtually become destitutes and they are forced to lead their lives in utmost poverty. The family of the applicant does not have any other source of livelihood nor they own any movable or immovable properties. Because of the utmost poverty for all these days the applicant herein has not been able to raise the funds for coming over to Hyderabad for the purpose of invoking the jurisdiction of this Hon'ble Tribunal for redressal of his grievance. Fortunately a close relative of the Applicant who has noticed the miserable plight of the family in the last week has extended financial assistance so as to enable the Applicant to meet the expenses of filing the present Original Application.

In view of the above reasons there is delay in approaching this Hon'ble Tribunal which is neither wilful nor wanton, but due to the circumstances mentioned supra. Unless the said delay is condoned by this Hon'ble Tribunal, the Applicant herein will be put to irreparable loss and hardship.

II. RELIEF:

For the foregoing reasons the applicant herein respectfully prays that this Hon'ble Tribunal may be pleased to condone the delay of 307 days in filing the present Original Application and pass such further order or orders.

x *S. Venkateswara Rao*

A P P L I C A N T

contd.3.....

VERIFICATION

I, S. Venkateswara Rao son of late Viswanadha Rao, aged about 38 years, R/o. Gampalagudem, Gampalagudem Mandal, Krishna district, Andhra Pradesh, do hereby verify that the contents of the ~~the~~ present Miscellaneous Application are true to my personal knowledge, belief and information and I have not suppressed any material facts.

Place: Hyderabad.

Date : 13-7-1997.

*S. Venkateswara Rao*  
A P P L I C A N T

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: AT HYDERABAD.

M.A.No. 707 of 1997

in  
O.A.No. 2109 of 1997

Between:

S.Venkateswara Rao S/o.Viswanadha Rao,  
aged about 38 years, Unemployee,  
R/o.Gampalagudem, Gampalagudem Mandal,  
Krishna district.

... Applicant.

A n d

1. The Secretary, Department of posts,  
Government of India, Dak Bhavan, Rafi Marg,  
New Delhi - 110 001.
2. The Director General, Post Office,  
Department of Posts, New Delhi, India-110 001.
3. The Superintendent of post Offices,  
Khammam Division, Khammam-507 003.

... Respondents.

A F F I D A V I T

I, S.Venkateswara Rao S/o.Viswanadha Rao, aged about 38 years,  
Unemployee, R/o.Gampalagudem, Gampalagudem Mandal, Krishna district,  
having temporarily come down to Hyderabad do hereby solemnly affirm  
and sincerely state as follows:-

1. I am the applicant herein and well acquainted with the facts  
of the case.
2. It is submitted that the applicant herein filing the main  
Original Application questioning the action of the respondents in  
rejecting his claim for appointment on compassionate grounds in the  
place of my deceased father who passed away on 25.5.1986 while he  
was working as Sub-Post Master, Tallada village, Khammam district,  
Andhra Pradesh.

1st page,

Corrs,

Attestor,

DEPONENT

*S. Venkateswara Rao*  
*[Signature]*

3. It is respectfully submitted that after sudden and sad demise of the father, the applicant herein and his mother submitted a number of representations to the respondent authorities, requesting for consideration of the case of the applicant on compassionate grounds, ultimately after a continuous pursuation and persistent requests the Superintendent of post Office, Khammam issued the impugned proceedings No.B1-5/Relaxation/S.V.Rao, dt.19.9.95 rejected the claim of the applicant on the ground that the family of the applicant is not in indigent situation. It is respectfully submitted that after sudden and sad demise of the father of the applicant who was the only breadwinner of the family, the family members have virtually become destitutes and they are forced to lead their lives in utmost poverty. The family of the applicant does not have any other source of livelihood nor they own any movable or immovable properties. ~~The~~ Because of the utmost poverty for all these days the applicant herein has not been able to raise the funds for coming over to Hyderabad for the purpose of invoking the jurisdiction of this Honourable Tribunal for redressal of ~~the his grievance~~ my grievance. Fortunately a close relative of the applicant who has noticed the miserable plight of the family in the last week has extended financial assistance so as to enable the applicant to meet the expenses of filing the present Original Application.

2nd page,

Corrs,

  
Attestor,



D E P O N E N T

4. In view of the above reasons there is a delay in approaching this Honourable Tribunal which is neither wilful nor wanton, but due to the circumstances mentioned supra. Unless the said delay is condoned by this Honourable Tribunal, the Applicant herein will be put to irreparable loss and hardship.

For the foregoing reasons it is respectfully prays that this Honourable Tribunal may be pleased to condone the delay of 307 days in filing the present Original Application and pass such further order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Sworn and signed on this

19th day of July, 1997 in

my presence at Hyderabad.

3rd page & last

page Corrs.

*S. Venkateswar Rao*

DEPONENT

before me,

*K. Dilip*  
Advocate/Hyderabad. (K. Dilip)

To condone the delay  
of 307 days in filing  
the O.A.  
Krishna district

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT  
HYDERABAD

MA.No. \_\_\_\_\_ of 1997

in

O.A.No. \_\_\_\_\_ of 1997



Application for Condonation of  
delay in presenting the O.A.

Under Section 5 of Limitation Act

8(4) & w sec. 21 of Admini-  
strative tribunals Act 1985

*[Handwritten signature]*  
*[Handwritten signature]*

filed by:

M/s.A.V.Sesha Sai &  
P.Durga Prasad  
Y. Srinivas.PRASAD.

19995  
19996

14.7.97  
19.9.96  
25.9



37

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH  
AT HYDERABAD

M.A. No. 707 of 1997

In

O.A.S.R. No. 2109 of 1997

Between :

S. Venkateswara Rao

...

Applicant

And

The Secretary,  
Department of Posts,  
Govt. of India,  
Dak Bhavan, Sansad Marg,  
New Delhi & 2 others

...

Respondents

REPLY AFFIDAVIT 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 working as Assistant Postmaster-General (S & V) in the office of the Chief Postmaster-General, A.P. Circle, Hyderabad. As such I am fully acquainted with all the 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 M.A. are denied save those that are specifically admitted hereunder.

It is submitted that the father of the Applicant died on 25.5.1986. The request for compassionate appointment was forwarded by the 3rd Respondent to Postmaster-General, Hyderabad on 27.11.1986. The Postmaster-General, Hyderabad rejected the case for compassionate appointment vide his

  
ATTESTOR

सहायक लेखा अधिकारी (पत्र)  
Assistant Accounts Officer (Hudges)  
दफ्तर पोस्टमस्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
डाक भवन, संसद मार्ग - 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.

letter dated 13.4.1988 on the ground of non-existence of vacancy which was communicated to the applicant on 26.4.1988. Subsequently, the Postmaster-General communicated the decision of the Circle Selection Committee rejecting the request for compassionate appointment vide letter dated 23.3.1990 which was communicated to the applicant vide letter dated 28.3.1990. Thus, the cause of action in the present O.A. arose on 28.3.1990 while the rejection of the request of the applicant for appointment on compassionate grounds was communicated. Thus, the O.A. is badly time barred and the same is liable to be dismissed on the grounds of laches on the part of the applicant. Even if the letter dated 18.6.1995 rejecting the request of the applicant by the Directorate is taken as the date of cause of action, the O.A. is also time barred and liable to be rejected.

It is submitted that though the applicant has filed the above M.A., no valid or sufficient reasons were shown by him in the Affidavit for condoning the delay. The only ground that he has mentioned is that after the death of his father, the family members have virtually become destitutes and they are forced to live in utmost poverty and because of this poverty the applicant was not able to raise the funds for coming over to Hyderabad for purpose of invoking the jurisdiction of this Hon'ble Tribunal for redressal of his grievance. This ground is baseless and and only created for the purpose of gaining sympathy from this Hon'ble Tribunal. In fact, the applicant herein though is fit to approach the Political Leaders and Ministers

  
ATTESTOR

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

  
DEPONENT

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

to get his grievance redressed instead of approaching this Honourable Tribunal to approach the various Political Leaders as evident from the Annexure filed by the Applicant to the O.A. It is unbelievable to any prudent mind that the applicant who is of the age of the 38 years was unemployed right from 1986 when his father expired and he was in a destitute condition for nearly 11 years and now he raised the funds to file this O.A. The law says that for seeking condonation of delay an applicant should explain day-to-day delay reasonably which is absent in the present case and therefore the M.A. is liable to be rejected.

It is, therefore, prayed that this Honourable Tribunal may be pleased to dismiss the M.A. in the interest of justice.

*KSRao*

DEPONENT

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

Solemnly and sincerely affirmed  
this 16<sup>th</sup> day of September 1997  
and he signed his name in my  
presence.

Before Me

*N. Srinivas*

ATTESTOR  
अभिषेक-बजट अधिकारी (बजट)  
Assistant Accounts Officer (Budget)  
मुख्य पोस्टमास्टर जनरल का कार्यालय  
Office of the Chief Postmaster General,  
जी. व. परिचालन, हैदराबाद-500 001.  
A.P. CIRCLE, HYDERABAD-500 001.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD

M.A. No. 707 of 1997

In

OASR No.2109 of 1997

Between :

S. Venkateswara Rao .. Applicant

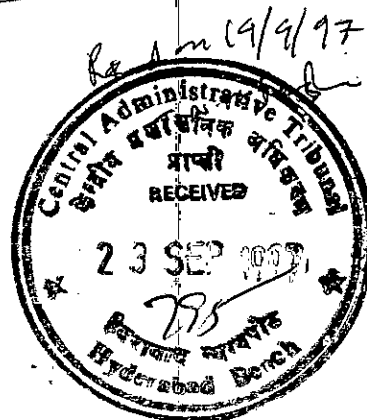
And

The Secretary,  
Dept. of Post,  
New Delhi &  
2 others

.. Respondents

Filed on :

*Reply Statement*



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

*Page 1 of 1*  
*[Signature]*  
*23/9/97*

मूल/ORIGINAL

MA 707/97 in OASR 2109/97

24.7.97

Notice to respondents. Reply to be filed in 4 weeks. List it after the reply is filed.

एकल सदस्य केस  
SINGLE MEMBER CASE  
CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

M.A. NO. 707 OF 1997.

II

O.A. NO. 2109 OF 1997

*Q/m*  
HHRP  
M(A)

Notice in MA  
*Q/m*  
25/7/97

Disallowed

30-9-97  
HRRN/HBSTA

25-8-97

None for the applicant.  
Post it in the next week.

To Condone the delay of 307 days in filing the OA.

*Q/m*  
HHRP  
M(A)

1-9-97

Mr. W. Satyanarayana for Mr. N.R. Devaraj on behalf of the respondents seeks ten days time to file reply in both MA as well as OA. The same is granted.

List it on 12-9-97.

*Q/m*  
HHRP  
M(A)

Mr. A.V. Susha Sai  
COUNSEL FOR THE APPLICANTS.

AND

Mr. N.R. Devaraj  
Sr. ADDL. STANDING COUNSEL FOR  
C.G. Rlys.

2.9.97

List it day after tomorrow

24.9.97.

*Q/m*  
HHRP  
M(A)

Issued  
28/7/97