

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.137/97

Date of order: 30.7.97

BETWEEN

Mohd. Layeeq Ahmed

.. Applicant

AND

1. The Chief Commissioner of
Income Tax, A.P., Hyderabad.

2. The Addl. Commissioner of Income
Tax, Range-I, Hyderabad.

3. Asst. Commissioner of Income Tax,
(Administration), Headquarters,
O/o. Chief Commissioner of
Income Tax, Hyderabad.

.. Respondents.

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Counsel for the Applicant.

.. Mr. J. Kanakiah

Counsel for the Respondents

.. Mr. V. Rajeswara Rao

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CORAM:

HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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J U D G E M E N T

X Oral order as per Hon'ble Shri R. Rangarajan, Member (Admn.) X

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None for the applicant. Mr. V. Rajeswara Rao, learned
standing counsel for the respondents.

2. This OA was admitted on 13.2.97. Thereafter when it
came up for consideration on 9.6.97 the case was adjourned
to 19.6.97 at the request for the applicant's counsel. Once
again on 8.7.97 it was adjourned for 2 weeks at the request
of the applicant's counsel. It was posted on 22.7.97 and
that date was adjourned to 24.7.97. Hence from the above
it appears that the counsel for the applicant even though
asked for adjournment is not present on the adjourned date,



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Reply has been filed in this OA. On perusal of the reply and the contentions made in the affidavit I am of the opinion that there is no need to give any further adjournment in this case and this case has been matured for final disposal. Hence the OA is disposed of on the basis of the records and after hearing the learned counsel for the respondents under Rule 15(1) of C.A.T. Procedure Rules.

2. The facts of this case are as follows:-

The father of the applicant was a Head Clerk under R-3. He died while in harness on 16.4.96. The mother of the applicant filed a representation for compassionate ground appointment to the applicant herein. That representation was rejected by the impugned letter No. CR.No.169(16)/Estt/96, dated 27.9.96 (A-1).

3. This OA is filed for setting aside the impugned proceedings of R-3 dt. 27.9.96 by holding it as arbitrary illegal and contrary to the memorandum issued by the Government of India dt. 22.6.95 and for a consequential direction to the respondents herein to appoint the applicant in any suitable post in Income Tax department.

4. A reply has been filed in this OA. The main contention of the respondents in not providing him compassionate ground appointment is due to the fact that the applicant is not placed in indigent circumstances warranting compassionate ground appointment. His father had 5 sons and 4 daughters. All the 4 daughters had been married off when the father of the applicant was in service. His brothers were all major ^{and some} ~~under~~ employed. The mere fact that the employed sons are not assisting the wife of the deceased and the applicant herein is not a reason for granting compassionate ground appointment. The applicant himself is a major and is capable of working elsewhere. The

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financial position of the applicant and his mother is not bad. They were paid the final settlement dues of the deceased employee to the extent of Rs. over 2.5 lacks as given in para-3 of the reply. Further an amount of Rs. 22,495 has been reimbursed to the wife of the deceased for undergoing treatment when he fell sick due to the heart problem. The applicant had not submitted any bill for any treatment earlier. Hence there is no pending medical dues payable to the family of the deceased. The wife of the deceased is getting pension of Rs. 2230/- per month and the applicant and his mother ~~had a~~ own house. As the applicant has to look after only his mother, the family pension and final settlement dues will be sufficient for them to meet the expenses. Thus the learned counsel for the respondents submits that there is no financial difficulty for the family to survive and they are not placed in indigent circumstances. There is no O.M. dt. 22.6.96 issued by Government of India as contended by the applicant in the OA. The department has followed the latest circular of the Ministry of Finance No. 82/95 and DOPST O.M. No. 14014/20/90-Estt (D), dt. 9.12.93 which was issued in pursuance to the judgement dt. 8.4.93 of the Apex Court in case of Auditor General of India and others Vs. Shri G. Ananta Nageswara Rao. As per that letter the compassionate ground appointment is to be given to relieve the family members from economic distress due to sudden demise of ^{the earning member} ~~his father~~ in harness while working in the government service. As stated earlier the applicant is not in indigent circumstances warranting assistance by way of appointing him on compassionate ground to relieve ^{his} ~~due to~~ economic stress due to demise of his father. Hence the OA is only liable to be dismissed.

5. No rejoinder has been filed in this OA. The wife of the deceased employee got the final terminal benefit of over 2.5 lacks and she is also in ^{receipt} ~~respect~~ of family pension to the

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extent of Rs.2230 per month. The financial burden caused for treatment ^{has} ~~is~~ already been reimbursed. There are no other family members except the applicant and his mother to be looked after. The house in which they are residing is their own house. Thus all the above factors lead to the conclusion that the applicant is not at all placed in indigent circumstances. Financial consideration can be one of the valid reason for denying compassionate ground appointment as observed by the Apex Court. As the applicant is well placed economically ~~he is not~~ entitled for compassionate ground appointment due to the death of his father in harness.

6. In view of what is stated above it is evident that this OA has to be rejected on merits. Hence the OA is dismissed. No costs.

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(R.RANGARAJAN)
Member (Admn.)

Dated: 30th July, 1997

(Dictated in Open Court)

sd

Prithvi
4/8/97
DNO

Copy to :-

1. The Chief Commissioner of Income Tax A.^r. Hyderabad.
2. The Addl. Commissioner of Income Tax, (Admin Range-I. Hyderabad.
3. The Assistant Commissioner of Income Tax, (Administration), Headquarters, In O/O Chief commissioner of IncomeTax, Hyderabad.
4. One copy to Mr. J. Kanakaiah Advocate C.A.T. Hyderabad.
5. One copy to Mr. V. Rajewara Rao, Addl. CGSC C.A.T. Hyderabad.
6. One copy to the D.R.(A).
7. One Duplicate Copy.

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382/8/97

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: 30.7.97

ORDER/JUDGEMENT

M.A./B.A/C.A. NO.

in

O.A. NO. 137/97

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as Withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLR

II Court.

