

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.141/97

DATE OF ORDER : 12-02-1997.

Between :-

B.Venkata Lakshamma

... Applicant

And

1. The Telecom District Manager,
Anantapur.
2. The Chief General Manager, Telecom,
AP Circle, Hyderabad.
3. The Chairman, Telecom Commission,
New Delhi.

... Respondents.

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Counsel for the Applicant : Shri K.Venkateshwar Rao

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

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CORAM:

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

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

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

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... 2.

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

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Heard Shri K.Venkateshwar Rao, counsel for the applicant and Shri V.Rajeshwar Rao, learned standing counsel for the respondents.

2. The applicant is wife of one late B.Govinda Reddy who died on 8-11-88 while in service. It is stated in her representation dt.6-2-96 that he worked as Lineman (Phones) in Hindupur and while performing his duties he had fallen from the pole and admitted in the Hospital and he expired on 8-11-81. The applicant submits that she is an illiterate lady and also ignorant of the rules and regulations. Hence she did not apply for compassionate ground appointment for her immediately after the death of her husband. It is also her submission that had she been guided by the Department properly, she could have applied for the compassionate ground appointment immediately. She had received the family pension and also final terminal benefits amounting to Rs.20,000/- to Rs.30,000/-. The family pension was increased from time to time and from 1.1.86 the minimum family pension was fixed as Rs.375/- p.m. She is also getting the instalments of Dearness Allowance as and when it is announced for pensioners.

3. The applicant is having a son who was 4 years old at the time of his fathers' death in 1981. It is stated that when her son attained majority, he submitted a representation dt.6-2-96 enclosed to the D.A. for appointing him on

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compassionate grounds. That representation is still to be disposed of.

4. This O.A. is filed praying for appointment of her son on compassionate ground as the family is in indigent circumstances.

5. The main contention of the applicant in this O.A. is that she was not aware of the rules. Hence she could not file representation for her appointment on compassionate grounds immediately after the death of her husband. It is also stated that it is the duty of the Welfare Association of the P & T Department to guide her in the matter of applying for appointment on compassionate ground appointment and if she had been guided properly she would have applied in 1981 itself. She waited for her son to attain majority and then apply for the said appointment. Soon after her son attained majority he applied for appointment. In view of the fact that she had brought up her son with great difficulty all through from 1981 to 1997 and she is placed in a very indigent circumstances, her son has to be given a compassionate ground appointment. Alternatively if no direction can be given immediately for appointment on compassionate ground, a direction may be given to dispose of the representation dt.6-2-96.

6. Shri V.Rajeshwar Rao submits that it is a belated case and the applicant cannot plead ignorance because similar cases were there even in 1981 and even earlier to that and the respondents cannot keep on guiding the applicant. There is no record to prove that there is no guidance from the Welfare Association. But in either way no definite record has been produced. But it is a fact that she had approached the depart-

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ment for compassionate ground appointment after 16 years. The respondents counsel submits that in view of delay, the bar of limitation will apply in this case.

7. No doubt it is an unfortunate case but unless there is a proof to show that the applicant applied for the appointment at the time of death of her husband, we cannot admit such a belated case. Both sides can argue in their favour. Such arguments cannot be taken on the face value unless they are proved by the records. However, the applicant survived through out the last 17 years with the pension though meagre. On that basis it can be said that she was and is not in indigent circumstances wanting compassionate ground appointment to her son. Now that her son is an able bodied young man he should try to get some job or the other elsewhere to maintain his mother and others in the family. Mere submission that the Welfare Organisation should have guided the applicant in 1981 itself is not a point for consideration of her application now. If she had any proof to that effect, she should have produced. Mere ignorance of rules cannot be a reason for granting appointment on compassionate grounds. We do agree that it is a case barred by limitation. At least during the period from 1981 to 1996 she could have some time or other approached the respondents to keep the channel open for compassionate ground appointment; but no such attempt has been made by her. In view of what is stated above, it has to be concluded that it is a belated case and no direction can be given. Even if we give a direction to dispose of the representation dt.6-2-96, it may not serve the

purpose.

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8. In view of that, we have no other alternate except to dismiss this application at the admission stage itself. No costs.



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



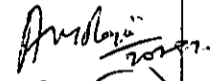
(R. RANGARAJAN)
Member (A)

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Dated: 12th February, 1997.

Dictated in Open Court.

avl/


D.R. (J)

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O.A.NO.141/97

Copy to:

1. The Telecom District Manager, Ananthapur.
2. The Chief General Manager, Telecom, A.P.Circle, Hyderabad.
3. The Chairman, Telecom Commission, New Delhi.
4. One copy to Mr.K.Venkateswara Rao, Advocate,CAT,Hyderabad.
5. One copy to Mr.W.Venkateswara Rao, Addl.CGSC, CAT,Hyderabad.
6. One copy to D.R.(A), CAT,Hyderabad.
7. One copy to Library,CAT,Hyderabad.
8. One duplicate copy.

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TYPED BY _____ CHECKED BY _____
COMPARED BY _____ APPROVED BY _____

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

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

AND

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

DATED: 12/2/97

Order/Judgement
R.P/C.P/M.A.NO.

in

O.A.NO. 141/97

~~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

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