

(H)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD BENCH
HYDERABA D.

Application filed under Sdc.19 of Admn. Tribunal Act.

O.A. 1562 of 1997.

Between:

J.Venkateswaramma w/o Venkateswara Rao,
Ex.B.P.M. about 32 years, Putlacheruvu
Krishna district.

... Applicant.

and

1. The Chief Post Master-General, A.P.circle,
Hyderabad.

2. The Post Master General, Vijayawada division,
Vijayawada, Krishna District.

3. The Superintendent of Post offices,
Gudivada Division, Gudivada, Krishna district.

... Respondents.

DETAILS OF THE APPLICATION.

1. Particulars of the applicant:

The particulars of the applicant are the same as shown in the cause title above.

The address of the applicant for service of all notices and processes is that of her counsel Mr.K.V.Subba Reddy Advocate, B.20 F1, Vijayanagar Colony, Hyderabad.

2. Particulars of the respondents:

The particulars of the respondents are the same as shown in the cause title above.

The address of the respondents for service of all notices and processes are the same as stated in the cause title above.

3. Particulars of the order against which the application is made:

No impugned order.

4. Jurisdiction: The applicant submits that the subject matter of the O.A. is within the jurisdiction of this Honourable Tribunal. ~~as per facts~~

5. Limitation: The applicant submits that the O.A. is filed within time as envisaged in Sec.21 of the Administrative Tribunal Act.

FACTS OF THE CASE.

(a) The applicant herein humbly submits that her husband J.Venkateswara Rao, died on 14.6.1994 during the course of service as Branch Post Master of Putlacheruvu Krishna district, leaving behind him, the applicant herein and three minor children. Neither the applicant nor her husband had no immovable properties to their credit and they solely dependent upon the meagre income derived from the salary of her husband. The applicant passed 7th class and she made a representation to the 3rd respondent on -06.1994 (Ex.A1) to appoint her in any contency post or any other suitable post, as her husband died in harness on compassionate grounds. In response to the said representation, the 3rd respondent by his letter dated 03.8.94 in No.BE.1333/94-95 informed that she is not eligible for the post of B.P.M and asked her to choose any other post, and the same will be considered (Ex.A.2).

(b) The applicant further submits that after receiving the letter dated 3.8.94 from the 3rd respondent, the applicant made several representations seeking to appointment in any other post, for which she is eligible on compassionate grounds. But there is no response for the said representations. Again the applicant made another representation on 2.7.1996 to the 3rd respondent (Ex.A3) requesting to appoint her in any suitable post on compassionate grounds. But the respondents have not passed any orders till today.

(c) The applicant submits that it became very difficult to run her family since they are very poor with minor children to meet both ends since there is no other earning member in her family. If the applicant's case is not considered favourably, the entire family will be thrown on the road and they have to starve without food and shelter.

7. Details of the remedies exhausted: The applicant declares that she availed all the remedies available to her under relevant rules. Hence she has no other alternative remedy except to invoke the jurisdiction of this Honourable Tribunal for redressal of her grievances.

8. Matters not previously filed or pending before any court or authority.

The applicant submits that she has not filed any suit or any other proceedings before any court or authority or any branch with respect to the relief sought in this O.A.

9. MAIN RELIEF:

The applicant therefore prays that this Honourable tribunal may be pleased to declare that the action of the respondents in not appointing the applicant on compassionate grounds in any of the suitable post as per the qualification she had, is illegal, arbitrary and consequently direct the respondents to appoint the applicant in any of the suitable post as per her qualification on compassionate grounds in the office of the 3rd respondent in the interest of justice and equity and pass such other just orders in the circumstances of the case.

10. Interim relief if any:

The applicant prays that this Honourable Tribunal may be pleased to direct the respondents to consider the representation dated 2.7.1996 by appointing the applicant in 3rd respondent office in any suitable post as per her qualification, pending disposal of the O.A.

11. Particulars of the Postal order.

Postal order 814915027

Name of the post office Hishcar P.O.
Date of issue of PO 10.11.92 Rs. 50/- A

100% e-OB-Remained

12. List of enclosures:

Vakalat, Postal order. Material papers.

U. Venkateswara Rao
Counsel for Applicant Verification.

I, J. Venkateswaramma, w/o Venkateswara Rao,
resident of Putlacheruvu, Krishna district, do hereby
declare that the facts stated in paras 1 to 12 above
are true and correct as per the advise of the counsel
and nothing material is concealed and verified the
same at Hyderabad on -10-1997.

Hyderabad,

D/11 -10-1997.

Signature of the applicant.

U. Venkateswara Rao
Counsel for Applicant

Ex.A.1.

Regd.

page 5.

Supdt.of Post office, Smt.J.Venkateshwaramma
Gudivada division, w/o Ex.B.P.M. late Sri
Gudivada 521301. J.Venkateshwar Rao,
Putlacheruvu.P.O.

NO.BE/1333/94-95 dated at Gudivada the 03.8.94.

Sub: Appointment as contingent-staff-reg.

Ref: Your representation dated -6-94.

Madam,

As per the present rules prevailing, for the post of BPM, the minimum qualification is required 10th class pass. So you are not eligible for the post of BPM. }
Otherthan BPM, such as ED MC/Packer posts is required to work, on hearing from you, in future we will consider your application.

Yours faithfully.

Sd. Supdt.of Post office,
Gudivada Division,
Gudivada.

(True translation from telugu to english)

RELY

(9)

Ex.A.2.

To

The Superintendent of Post offices,
Gudivada.

Sir,

Sub: Appointment of contingent staff

I, J.Venkateswaramma, wife of Ex.B.P.M.

J-Venkateswara Rao, Putlacheruvu, hereby submit that I am aged 30 years and I passed 7th class with writing and reading knowledge. I was left with three minor children. To provide food for my children, I want some job in the Department in place of my husband. So I request the kind heartedness of the superintendent of post offices to show some way of getting food by providing any job in the Department.

Thanking you, sir

Yours faithfully

Dated -6-1994.

Sd.Jonnalagadda Venkateswaramma

Address:

J.Venkateswaramma w/o late J.Venkateswararao
Ex.B.P.M. Putlacheruvu P.O.Krishna district.

/true copy/



To
The Superintendent of Post offices,
Gudivada, Krishna district.

Sub: Request for appointment as contingent
staff-regarding.

..

Sir,

I submit that J.Venkateswara Rao, Ex.B.P.M. Putlacheruvu B.O. died on 14.6.1994, leaving behind him, his widowed wife and three minor children. He had no immovable properties to his credit and he solemnly depended upon the meagre income derived from his salary. In this connection, I made a representation on -6-1994 to appoint me in any contingency post or any suitable post, as my husband died in harness on compassionate grounds, on which the Superintendent of post office, Gudivada division by his letter No.BE/1333/94-95 dated 03.8.94, stated that I am not eligible for BPM post and asked me to choose some other post, for which I made another representation, to appoint me in any of the suitable pos t. I submit that I passed 7th class.

In view of the circumstances stated supra, I request you to kindly appoint me in any of the suitable posts in compassionate grounds, as my husband died during the course of service, and we are not having any sources of income and I have to educate my minor children.

Please kindly treat this matter as urgent and do justice in the matter by appointing me in any suitable post.

D/2-7-1996.

Yours faithfully,

J.Venkateswaramma w/o late
J.Venkateswararao, ex.B.P.M.
Putlacheruvu, Krishna district.

/true copy/

RUS

(P)

CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH.

O.ARGD. NO. 3691/97

Date: 17.11.97

To Sh. K V Subbarao, Adv.

Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

- 1) Counsel to sign the Application (All copies)
- 2) Material papers to be supplied to the application (Respondents copies)
- 3) material papers to be placed in proper order
- 4) Copy to be served on the other side.



Represented

DEPUTY REGISTRAR (JUDL)

17/11/97

objection of 17.11.97 (64)
are complied with
Counsel
18/11/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. No. 1562 of 1997

Date of Decision:
21st November, 1997

Between:

J. Venkateswaramma .. Applicant

AND

1. The Chief Post Master-General,
A.P. Circle,
Hyderabad
2. The Post Master General,
Vijayawada Division,
Vijayawada, Krishna District.
3. The Superintendent of Post Offices,
Gudivada Division,
Gudivada, Krishna District. .. Respondents

Counsel for the Applicant: Mr. K.V. Subba Reddy

Counsel for the Respondents: Mr. J.R. Gopal Rao

CORAM:

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

ORDER

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

Heard Mr. Bhasker for Mr. K.V. Subba Reddy on behalf of the Applicant and Mr. Phalgun Rao for Mr. J.R. Gopal Rao for the Respondents.

The applicant is widow of late BPM who passed away in June, 1994. She has been representing her case for appointment to Superintendent of Post Offices, Gudivada Division, which was partly in response to his letter No. BE/1/333/94-95 dated 3rd August, 1994. The applicant has passed 7th standard and is willing to be considered for any suitable ED appointment in the Division.

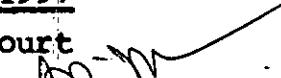
Superintendent of Post Offices, Gudivada Division,
is directed to examine her claim as per rules against any
available or future vacancy and take suitable decision and
communicate the same to the Applicant within 60 days from
the date of receipt of copy of this order.

Thus the O.A. is disposed of.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

Date: 21st November, 1997

Dictated in the open court


Deputy Registrar

KSM

O.A.1562/97.

To

1. The Chief Postmaster General,
Hyderabad.
2. & The Postmaster General,
Vijayawada Division, Vijayawada,
Krishna Dist.
3. The Superintendent of Post Offices,
Gudivada Division, Gudivada,
Krishna Dist.
4. One copy to Mr.K.V.Subba Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.J.R.Gopal 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

21/11/97 today
C.C.

21/11/97

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:-

1562/97, 21/11/97

ORDER/JUDGMENT.

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

in

O.A.No. 1562/97

T.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

97/20/C.A/cases f 3

Central Administrative Tribunal

Hyderabad

DESPATCH

25 NOV 1997

Notified

Hyderabad

HYDERABAD BENCH