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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.766/99

Date of Order: 22.7.99

BETWEEN:

Smt.S.Pushpalatha .. Applicant.

AND

1. The Supdt. of Post Offices,
Guntakal Division, Guntakal.
2. The Post Master General,
A.P.Southern Region.
Kurnool. .. Respondents.

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Counsel for the Applicant .. Mr.S.Ramakrishna Rao

Counsel for the Respondents .. Mr.K.Narahari

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CORAM :

HON'BLE JUSTICE SHRI D.H.NASIR : VICE CHAIRMAN

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

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O R D E R

)(As per Hon'ble Shri R.Rangarajan, Member(Admn.))(

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Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.K.Narahari, learned standing counsel for the respondents.



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2. The applicant is the widow of one late Vijaya Bhupal Reddy who died on 12.6.92. Thereafter her mother-in-law i.e. the mother of the deceased was given the compassionae ground appointment as EDBPM in the place where her son was working earlier. It is now stated that the said mother-in-law had also died on 24.11.97 while in harness. Hence her daughter-in-law i.e the applicant herein, wife of late Vijaya Bhupal Reddy had requested for compassionate ground appointment in view of the circumstances. The Circle Selection Committee considered her case and rejected her case by the impugned order dated 5.4.99 (A-1).

3. This OA is filed to set aside the impugned order dated 5.4.99 rejecting her case on the sole ground that the daughter-in-law is not eligible for compassionate ground appointment under recruitment rule and for a consequential direction to the respondents to consider the case of the applicant for appointment on compassionate ground taking her ^{account} indigent circumstances into ~~circumstances~~.

4. The applicant submits that she has a sister-in-law i.e. the sister of her late husband and she is young and she has to lookafter her sister-in-law also. Hence she cannot be denied the

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compassionate ground appointment on the said ground. She also relied on the judgement of this Tribunal in OA.1362/98 dated 28.12.98 to contend that the daughter-in-law is eligible for consideration for compassionate ground appointment.

5. A reply has been filed in this OA. The reasons stated in the impugned letter is once again emphasised in the reply. Further it is also stated that a compassionate ground appointee has got no vested right to demand appointment on compassionate ground.

6. We have heard both sides. The applicant submits that she has to look after her sister-in-law. It is not known whether what she says is going to be complied by her in practice. It is for the department to stipulate certain conditions in case she is considered for the compassionate ground appointment on account of looking after her sister-in-law. It is not a vested right to demand compassionate ground appointment. But it does not mean that one should not request for a compassionate ground appointment on reasonable grounds. It is not for this Bench to decide whether she is eligible for compassionate ground appointment or not as her case has been rejected by the Circle Selection Committee on the ground that she is daughter-in-law. Whether such a rejection is in order or not should be considered by the higher authority in the department. Whenever a

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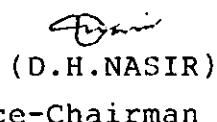
compassionate ground appointment is rejected by the Circle Selection Committee this Tribunal normally follows the rule of referring it to the higher authority in accordance with the law to pass a suitable order. That precedence should be followed in this case.

7. The applicant may submit a detailed representation for the above relief to the Member Personnel P&T stating as to why her case should be considered. If such a request is made by the applicant the same should be disposed of within a reasonable period of 2 to 3 months. Till such time her representation is disposed of she should be allowed to continue as a provisional EDBPM as she is holding the post in that capacity today.

8. With the above direction the OA is disposed of at the admission stage itself. No costs.



(R.RANGARAJAN)
Member (Admn.)



(D.H.NASIR)
Vice-Chairman

Dated : 22nd July, 1999
(Dictated in Open Court)

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compassionate ground appointment is rejected by the

1st AND 2nd COURT

COPY

1. H.D.H.N.J
2. H.H.R.P.M (A)
3. R.S.S.O.P.M (J)
4. D.R. (A)
5. S.P.A.R.E

TYPED BY
PREPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. H.RADEENORA PRASAD
MEMBER (ADMIN)

THE HON'BLE MR.R. RANGARAJAN
MEMBER (ADMIN)

THE HON'BLE MR. D.S. JAI P. PARAMESHWAR
MEMBER (JUDL)

ORDER: Date. 22/7/99

ORDER / JUDGMENT

MA / RA / CP. NO
IN
DA. NO. 766/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED

NO ORDER AS TO COSTS.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
प्रेषण / DESPATCH

17 AUG 1999

हैदराबाद आयोगीत
HYDERABAD BENCH