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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.No.918/99

Date of Order:05-8-1999

Between:

D.Ravinder Raju

...Applicant

And

1. The Superintendent of Post Offices,  
Nalgonda Division, Nalgonda-508 001.
  2. Chief Postmaster General,  
A.P.Circle, Hyderabad.
  3. Director General of Postal Services,  
Dak Sahan, New Delhi - 110001.
- ...Respondents

Counsel for the Applicant - Mr.N.Saida Rao,Advocate

Counsel for the Respondents- Mr.B.Narasimha Sharma,Sr.CGSC

CORAM:

THE HON'BLE MR.B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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O r d e r

Heard Mr.N.Saida Rao, learned counsel for the Applicant and Mr.M.C.Jacob for Mr.B.Narasimha Sharma & learned standing counsel for the Respondents.

2. The Applicant herein is the son of one Mr.D.V.Rama Raju, who was working as a Postman under the Respondent No.1 at Bhuvanagiri and expired on 18.6.93 while in service. He has left behind him his wife and two sons.

3. This is the second round of litigation.

4. The applicant herein had submitted a representation to the respondent authorities to consider his case for appointment on Compassionage grounds. The Circle Selection Committee considered the representation and by the order bearing No.B3-19/6/93, dt.16.1.96 rejected his claim for

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appointment on Compassionate grounds. The applicant then approached this Tribunal in OA.901/96. This Tribunal relying upon the observations made by Hon'ble Supreme Court in the case of Umash Kumar Nagpal Vs. State of Haryana, reported in (1994) 27 ATC 537, dismissed the OA on the ground that the impugned order dt.16.1.96 was in order.

5. After the disposal of the said OA, the applicant again submitted a representation to consider his case for appointment on Compassionate Grounds. The Circle Selection Committee again on 30.9.97 considered the representation of the applicant and rejected the claim on the ground that the family of the deceased was not in indigent circumstances. The same was communicated to the applicant by Lr.No.93-19/6/93, dt.16.6.98 (Annexure-1, page-8 to the OA).

6. The applicant has filed this OA to declare the impugned proceedings No.93-19/6/93, dt.16.6.98 as illegal, improper, against the concept of Compassionate ground appointment of the dependants of the deceased employees and against the welfare concept of the state and fundamental rights of the constitution and to set aside the same and for consequential direction to the respondents to provide any suitable employment to the applicant corresponding to his educational qualifications immediately on Compassionate grounds.

7. The respondents have filed a reply stating that the family of the deceased got Rs.83,986/- as final settlement and pension of Rs.550/- p.m. with allowances. The applicant submitted a representation, which the Circle Selection Committee considered on 7.7.94 and rejected the same on the ground that the family of the applicant was not in indigent circumstances. Thereafter Smt.D.Sharada widow of

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the deceased employee and the mother of the applicant again submitted a representation dt. 15.9.94. The Circle Selection Committee again considered the Compassionate Appointment on 28.4.95 and rejected on the same ground that thereafter the case of the applicant was referred to the Postal Directorate by the Chief Postmaster General, A.P. Circle, Hyderabad, vide his letter No. RE/1-26/96/93, dt. 10.4.96 intimated that the case of the applicant for appointment on Compassionate grounds was carefully considered by the Directorate but rejected (vide letter No. 24-293/95/SPB.I, dt. 5-1-96) as the family was not in indigent circumstances. They submit that this Tribunal while dismissing the OA No. 901/96 had observed that the repayment of debts from the pensionary benefits received by the widow could not be a reason for determining the indigent circumstances. They submit that the representation submitted by the applicant after disposal of the OA was again carefully considered and by the impugned letter the same was rejected on the ground that the family was not in indigent circumstances. They submit that they did not find any change in the circumstances in the family of the deceased employee after 17.9.96 (disposal of the OA), and that therefore there was no justification to consider the case of the applicant for providing appointment on Compassionate grounds. Thus they submit that the Circle Selection Committee has considered the representations of the dependants of the deceased employee on three occasions and found the family to be not in indigent circumstances to provide any appointment to the sons of the deceased employee on compassionate grounds.

8. As already observed, the deceased employee has left behind him 2 sons and a widow. Two sons are the applicant and his brother.



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9. During the course of arguments the learned counsel for applicant submitted that if any employee dies in harness then it is for the respondent department to provide an employment to the dependents of the deceased employee on Compassionate grounds irrespective of the economical condition of the deceased family. Appointment is given to the dependant member of deceased employee only to mitigate the hardship caused by the untimely death of the employee. Further, the DOPT has issued certain guidelines to be followed in considering the cases for providing appointment on Compassionate grounds. One of the guidelines is that the authorities may also take into consideration the pension and pensionary benefits received by the deceased family on account of death of the deceased employee. Accordingly, the respondent authorities have considered the case of the applicant in proper perspective in accordance with the guidelines issued by the DOPT.

10. The applicant in the earlier OA had taken the contention that the pensionary benefits sanctioned to the widow were spent in discharging the debts incurred for celebrating the marriage of the daughter of deceased employee. This fact was also considered in the earlier OA and observed that it cannot be a ground to hold that the family was in indigent circumstances.

11. The applicant has not filed a copy of the representation made by him after disposal of the OA<sup>no</sup> 901/96. In the absence of the said copy of the representation it is not possible for me to ascertain whether there was any total change in the circumstances for the respondents to consider the case of the applicant for providing appointment on Compassionate grounds. The respondents specifically submit that the representation

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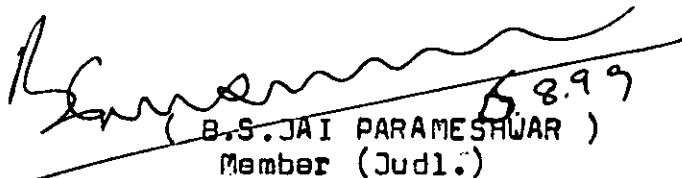
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of the applicant carefully examined by the Circle Selection Committee and formed an opinion that the family was not in indigent circumstances. When that is so, the court or Tribunal cannot give any direction to the respondent authorities to provide an appointment to the applicant on Compassionate grounds.

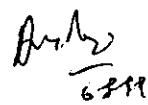
12. Further appointment on Compassionate grounds cannot be claimed as a matter of right. The applicant is aged about 29 years. He can appear for the posts advertised in the department and take his chance for appointment.

13. For the reasons stated above, I find no reasons to interfere with the impugned order. Hence the OA is dismissed. No order as to costs.

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

Dated: 05th August, 1999

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1st AND IInd COURT.

COPY TO:-

1. HON'BLE
2. HON'BLE M(A)
3. HON'BLE M(J)
4. D.A. (A)
5. SPARE

TYPED BY  
CHECKED 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. RAGENDRA PRASAD  
MEMBER ( ADMIN )

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

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

ORDER: Date. 6-8-99

ORDER / JUDGMENT

MA./RA./CP.NO

IN  
DA.NO. 918/99

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.

