

25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.No.323/99

Date of Order: 25-8-99

Between:

B.P.Mallikarjun

...Applicant

and

Superintendent of Post Offices,  
Sangareddy Postal Division,  
Sangareddy, District Medak.

...Respondent

Counsel for the Applicant - Mr.S.Ramakrishna Rao, Advocate

Counsel for the Respondents - Mr.V.Vinod Kumar, Addl.CGSC

CORAM:

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

Order

Heard Sri S.Ramakrishna Rao, Learned counsel for the applicant and Sri V.Vinod Kumar, learned standing counsel for the respondents.

2. The applicant prays that he should be granted compassionate appointment pending decision of the Circle Selection Committee on the question of legality of notification by which the post on which the applicant is presently working as provisional appointee. The learned standing counsel Mr.V.Vinod Kumar for respondents submits that the applicant cannot be appointed on compassionate grounds firstly because the claim advanced by the applicant that he was the adopted son of the deceased was not substantiated by any documentary evidence. It is also pointed out by the learned counsel Mr.Vinod Kumar that the deceased had two sons who were earning members of the family and therefore there was no reason how the family of the deceased could be treated as passing through indigent circumstance.

(6) ..contd..2

.2.

3. The learned counsel Mr.Ramakrishna Rao disputes the statement made in the counter affidavit stating that two sons of the deceased were alive and were having sufficient means of livelihood. However except the oral word of the learned standing counsel the same was not corroborated by any material on the record of the case.

4. On a querry raised by the court the learned counsel Mr.Ramakrishna Rao submitted that it was true that the certificate regarding income was produced by the applicant for the purpose of seeking appointment as ED/BPM and the income of the applicant had been shown to be Rs.16,000/- per year. This fact alone is sufficient for us to come to the conclusion that the applicant is not entitled to claim any appointment on compassionate ground. The applicant's income far exceeds ~~of~~ Rs.6,000/- which is the maximum. Any <sup>per year</sup> candidate having income more than Rs.6,000/- is not entitled to claim compassionate appointment and therefore on that ground the applicant cannot be treated as passing through any indigent circumstances.

5. In the above view of the matter therefore I am not inclined to accept the submissions made by the learned counsel Mr.Ramakrishna Rao that any cause exists to believe that the family of the applicant suffers from indigent circumstances. Hence the OA is dismissed. No costs.

*[Signature]*  
(Justice D.H.Nasir)  
Vice-Chairman

Dated: 25th August, 1999  
(Order dictated in the open court)

'SA'

*[Signature]*  
6900