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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.284/99

DATE OF ORDER : 9.12.1999

Between :-

M.Ellaiah

...Applicant

And

1. Lt.Col.(Ts) OIC Civil Branch,
Mukhyalaya - Tachkhena Kender,
Head Quarters, Artillery Centre,
Hyderabad.

2. M.Raju

...Respondents

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Counsel for the Applicant : Shri J.Kanakaiiah

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

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CORAM:

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

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

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(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

This case calls for no in-depth scrutiny. The applicant's father late Sri Gandaiah was working as Safaiwala in the office of Respondent NO.1 who died in harness on 25.6.1993 leaving behind the applicant, his mother and ^{four} ~~for~~ sisters.

2. According to the applicant, as per the service record of his deceased father, he (the applicant) was nominated along with his mother. The applicant therefore made an application for compassionate appointment within the stipulated time.

3. It appears that late Sri Gandaiah contracted a second marriage and lived with her for a short while and the son of the second wife of the deceased was given the benefit of compassionate appointment without even serving a notice in that regard upon the applicant.

4. On an earlier occasion also when the applicant filed OA 1708/97 raising various grounds, the same was disposed of on 29.12.1997 with a direction to make a fresh representation to Respondent No.1 and that Respondent NO.1 should dispose of the same with a speaking order. However the applicant's claim was rejected by impugned order dated 27.2.1998. In the 3rd paragraph of the said order the respondents stated that as per the nomination for General Provident Fund executed by the applicant's father on 9.3.1964 Smt.Lachamma was the first nominee and Sri Ilaiah was the second nominee and that entire General Provident Fund was paid to the

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applicant. However, the applicant's name was not mentioned in the family particulars furnished by the father of the applicant.

5. With the above situation in view, it emerges that the applicant is mainly relying upon his contention that his name was mentioned as the nominee in the G.P.F.Account and therefore he alone was entitled to be awarded the compassionate appointment.

6. The impugned order dated 27.2.1998 appears at page-15 of the OA. In the second paragraph of the said order, the family particulars as stated in the service book are mentioned as the dependents of late Sri Gandaiah . In paragraph-3 of the said order it is stated that the late Gandaiah did not execute fresh nomination after the death of his first wife. In the fourth paragraph of the said order it is mentioned that as per the existing rules case for compassionate appointment can be considered only for the wife, daughter, son of the deceased government servant if the family is in immediate need of assistance and had no other earning member in the family and that since the applicant's name was not recorded in the family particulars, the applicant's case for employment on compassionate ground had not been considered and that Sri Raju (Respondent No.2) whose name was available in the family particulars ^{was to} ~~has been~~ provided with the employment on compassionate grounds in accordance with the existing rules on the subject.

7. I do not find any substance in the argument advanced by the learned counsel for the applicant that since the applicant's name was mentioned as the nominee of the deceased government official, he

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alone should have been considered for compassionate appointment. Furnishing different nominees by a Government Official for obtaining financial benefits from different accounts is not a bar. If the family particulars did not include the name of the applicant, the respondents cannot be accused of having committed any wrongful act. The Respondents by granting compassionate appointment to one of the members of the family as contained in the service record cannot be held to have acted in violation of the jurisdiction vested in them or in excess of the jurisdiction vested in them. If one nominee does not reconcile with the fact that other person's name has been cited as a nominee for any other pecuniary benefit, the remedy available to any one of them is to get the dispute resolved by the Civil Court.


8. In the above view of the matter therefore, we do not find any merits in the OA and hence the OA is dismissed, however, with no order as to costs.


(D.H.NASIR)

VICE-CHAIRMAN

DATED: 9th DECEMBER, 1999.

DICTATED IN OPEN COURT.


3/12/99

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