

**The Chief Postmaster-general and anr. Vs. Mirza Jaffer Ali**

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**SooperKanoon Citation :** [sooperkanoon.com/440306](http://sooperkanoon.com/440306)

**Court :** Andhra Pradesh

**Decided On :** Aug-05-1996

**Reported in :** 1996(4)ALT1199

**Judge :** P.S. Mishra, C.J. and ;Syed Saadatulla Hussaini, J.

**Acts :** Administrative Tribunal's Act - Sections 14

**Appeal No. :** Writ Appeal No. 895 of 1996

**Appellant :** The Chief Postmaster-general and anr.

**Respondent :** Mirza Jaffer Ali

**Advocate for Def. :** K. Lakshmana Sarma, Adv.

**Advocate for Pet/Ap. :** A. Chayadevi, Addl. Central Govt. Standing Counsel

**Disposition :** Appeal dismissed

**Judgement :**

P.S. Mishra, C.J.

1. Heard.

2. Learned single Judge has taken notice of the fact that the father who provides the bread has died in harness and compassion, which prompts appointment of the

dependent, loses its value if timely supernumerary appointments are not granted to compensate for the loss of income and has accordingly directed for granting for such compassionate appointment to the petitioner-respondent. Learned Counsel for the appellant has, however, raised two objections - (1) there were materials to show that the family was not under any distress and in any event quite affluent to sustain notwithstanding the loss of breadwinner; and (2) the Court cannot exercise the jurisdiction as the matter pertains to Section 14 of the Administrative Tribunals Act. The first ground has to fail for the simple reason that there are materials adverted to by me learned single Judge which show substantial burden which the family had to bear on account of prolonged illness of the concerned employee who died in harness and except vague assertions as respects the status of the family of the petitioner - respondent, there has been nothing to show that the family was not in the need of a compassionate appointment. The second ground, in view, cannot be sustained for the reason that although the Administrative Tribunals Act has contemplated, as has been repeatedly indicated, that any dispute between the employee and employer - State shall not be taken up anywhere other than the Administrative Tribunal, the Administrative Tribunal's jurisdiction will not transgress the barriers of the master and servant or employer and employee. In view of the above, we are not inclined to interfere with the impugned judgment.

3. The appeal is dismissed.