

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.21/97/2020

Hyderabad, this the 24th day of January, 2020



Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

K. Venugopal , S/o. late K. Padma,
W/o. K. Sankaraiah, Ex- GDSBPM,
Ankapur BO, a/w. Zirayatnagar SO -503224,
Age 45 years, Nizamabad Division,
R/o. H. No. 7-35, Ankapur (PO),
Armoor Mandal, Nizamabad District.

... Applicant

(By Advocate Mr. M. Venkanna)

Vs.

1. Union of India, Rep. by Secretary,
Government of India,
Ministry of Communications and IT,
Department of Posts – India, Dak Bhawan,
Sansad Marg, New Delhi – 110 001.
2. The Chief Postmaster General,
Telangana Circle,
Hyderabad – 500 001.
3. Superintendent of Post Offices,
Nizamabad Division,
Nizamabad – 503 003.

... Respondents

(By Advocates: Mrs. K. Rajitha, Sr. CGSC for
Mrs. D. Shobha Rani, Addl. CGSC)

ORDER (ORAL)
{As per B.V. Sudhakar, Member (Admn.)}

2. The OA is filed in regard to compassionate appointment sought by the applicant.



3. Brief facts are that the applicant's mother died in harness while working for the respondents organisation as Grameen Dak Sewak Branch Post Master on 21.1.2015. After the demise of his mother, applicant represented for compassionate appointment on 4.3.2015 which was rejected on 24.6.2015 without assigning any reason. Applicant represented on 20.6.2017 to reconsider his case based on latest guidelines, which was rejected vide impugned order dated 4/12.07.2017.

4. The applicant's contentions are that he is having the requisite educational qualifications and that he is working as a agricultural labourer. Savings of the family while her mother was alive were used to get his 3 sisters married. Applicant claims that he represented to reconsider his case based on the revised guidelines dated 30.5.2017 wherein point system has been dispensed with. Applicant was dependent on the mother at the time of her death and that he is married with 2 children and therefore, to eke out a living, grant of compassionate appointment would help him. Similarly situated persons, who were less indigent, were considered for compassionate appointment thereby discriminating the applicant in regard to employment. Applicant cited the judgment of this Tribunal in OA497/2015 in support of his case.

Further the applicant has also filed MA for condonation of delay of 1 year 3 months in filing the OA. The MA was allowed taking into consideration the reasons stated therein and also the contentions made by the respondents in the reply filed to the MA, which was elaborate covering the salient points raised in the OA and was good enough to adjudicate on the issue.



5. Respondents inform in the reply to the MA filed for condonation of delay, that the request of the applicant for compassionate appointment received on 4.03.2015 was examined and the applicant was awarded 32 merit points. Circle relaxation committee examined the case and rejected on 3.6.2015, which was duly informed to the applicant vide letter dated 24.06.2015. Respondents thereafter changed the policy of considering compassionate appointment by dispensing with the points system. Being aware of this change, applicant represented to reconsider his case on 20.6.2017 which was rejected on 4/12. 07.2017 on grounds that cases examined and closed prior to the introduction of the new policy would not be reconsidered. The applicant's case was rejected prior to 30.05.2017 and accordingly impugned order referred to, was issued. Besides, the age criteria to consider appointment against Grameen Dak Sewak posts is 43 years in respect of OBC candidates and even on this count, the applicant's candidature cannot be considered as he was over aged.

6. Heard both the counsel and perused the pleadings on record.

7. I) The crux of the issue is that, as to whether the applicant is qualified to be considered for Grameen Dak Sewak based on the age

criteria, even as per the revised policy of compassionate appointments given effect to from 30.5.2017 onwards. The applicant is an OBC candidate as averred in the OA at para 4 (vi) of the OA. His date of birth as per the SSC certificate enclosed with the OA (Annexure A-VIII) is 05.05.1974.



The age of the applicant reckoned as on the date of filing the OA is more than 45 years. The age limit is 43 years for OBC candidates as per the revised eligibility criteria circulated vide letter of the respondents dated 08.03.2019 (Annexure R-III). However, the impugned order issued by the respondents is cryptic which does not contain the entire ambit of reasons required to be stated under rules and law for rejecting the case of the applicant. A non reasoned order is no order in the eyes of law. If such an order is not issued the litigation elongates and as per law, any order issued having an adverse civil consequence has to be a reasoned order. Hence, the respondents are directed to issue a speaking and reasoned order after examining the contentions raised by the applicant in accordance with the rules and law, which govern compassionate appointment, within a period of 8 weeks from the date of receipt of a copy of this order.

II) With the above directions the OA is disposed of with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

/evr/