

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/143/2020

Hyderabad, this the 13th day of March, 2020



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

M. Adisheshaiah, S/o. late Sri M. Obulaiah,
Aged 38 years, Working as Substitute GDS/BPM,
(Ex-GDS/BPM), Kattakindapalli B.O.
a/w. Vajrakarur SO, Ananthapur Division,
Ananthapur District.

... Applicant

(By Advocate: Mr. G. Jaya Prakash Babu)

Vs.

1. Union of India, Rep. by its Director General of Posts,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi.
2. The Chief Postmaster General,
A.P. Circle, Vijayawada.
3. The Postmaster General,
Kurnool Region, Kurnool – 518002.
4. The Superintendent of Post Offices,
Ananthapur Division,
Ananthapur District – 515001.

... Respondents

(By Advocate: Mr. A. Praveen Kumar Yadav, Addl. CGSC)

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

2. OA is filed seeking compassionate appointment.



3. Brief facts, which require narration, are that with the demise of the father of the applicant on 30.9.2013 while working for the respondents organisation as Grameen Dak Sewak Branch Post Master, applicant's mother preferred an application to consider her son for compassionate appointment which was rejected on 18.2.2015 for securing merit points less than 51, the minimum prescribed. Aggrieved OA 375/2015 was filed which was allowed and respondents were directed to consider the compassionate appointment based on the new guidelines of 17.12.2015. Respondents responded by rejecting the request on 23.1.2018. Thereupon, OA 832/2019 was filed which was disposed directing the respondents on 16.3.2019 to consider the request based on extant rules. Again respondents rejected the request vide impugned order 9.12.2019. Hence the OA.

4. The contentions of the applicant are that the respondents have not complied with the orders of Tribunal in OA 375/2015 & 832/2019 by not placing the case before the Circle Relaxation committee which is the competent body. In view of the findings of the Tribunal in the cited OAs it cannot be said that the case is closed as assumed by the respondents. Family is in distress and it requires support in the form of compassionate appointment. Applicant relied on the judgment of the Hon'ble Supreme court in MGB Gramin Bank v Chakrawarti Singh in CA No. 6348/2013, to

buttress the argument that compassionate appointment has to be provided immediately in deserving cases. Applicants claim that the request for compassionate appointment was deserving, yet the respondents rejecting the same is illegal, arbitrary and unjust.



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

6. I) Ld. counsel for the applicants submitted that respondents, despite clear orders of the Tribunal in OA 375/2015 & 832/2019 to consider the case of the applicant based on the guidelines issued by the respondents in 2015 and subsequently as per extent guidelines, have rejected the request on legally untenable grounds disobeying the orders of the Tribunal, which has to be taken serious note of. Besides, the impugned order dated 9.12.2019 does give details but it was issued without properly understanding the orders of the Tribunal in the right perspective. Across the bar the Ld. Counsel for the applicant submitted a letter dated 5.3.2020 issued by the respondents where in it was directed to review cases of compassionate appointment rejected between 2005 and May 2017 as a one time measure and decide. The letter fully covers the case of the applicant.

The relevant portion reads as under:

“2. In this context, the Competent Authority has again reviewed the instructions on the Scheme keeping in view of number of Court cases on compassionate engagement as well as individual representations and approved to repeal the sentence “the cases which have already been settled will not be reopened” (Para 3 of Director OM of even number dated 30.05.2017 refers) as a one-time measure in cases which were earlier rejected by the Committee on Compassionate Engagement (CCE) between the period year 2005 and May 2017.

3. *This Review as a one-time measure is to be concluded by the prescribed CCE within a period of four months from the date of receipt of this OM. The CCE while examining these Compassionate Engagement cases will adhere to the instructions issued vide this Directorate's OM No. 17-1/2017-GDS dated 30.05.2017 and dated 18.12.2019 in true spirit."*



II) Ld. respondent counsel sought time to seek instructions from the respondents. Such a submission lacks substance when the letter of the respondents dated 5.3.2010 has resolved the issue by calling for a review.

III) Thus, in view of the cited signorma, respondents are directed to reconsider the case of the applicant for compassionate appointment in the true spirit as emphasized in the said letter, within 4 months from the date of receipt of this order.

IV) Before parting, the 2nd respondent is directed to personally go through the Tribunal orders since it is observed that in many cases without understanding the legal intent of the directions of the Tribunal, orders are being issued which are contumacious and are liable for challenge on grounds of contempt. Hope the said suggestion gets assimilated in the respondents system and legally valid orders which are defensible are issued.

V) With the above direction as at para 6 (III), the OA is disposed with no orders as to costs.

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

/evr/