

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/1116/2019

Hyderabad, this the 13th day of March, 2020



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

Purama Siva Kumar,
S/o. Shri late Purama Chandra Rao,
Ex-GDS Pkr, a/w. Gannavaram SO,
Krishna district – 521101.

... Applicant

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

Vs.

1. Union of India, Rep. by its Secretary,
Ministry of Communication & Information Technology,
Director General of Posts, Dak Bhavan,
Sansad Marg, New Delhi – 110 001.
2. The Chief Postmaster General,
Vijayawada Region, Vijayawada,
Andhra Pradesh Circle – 520 013.
3. The Postmaster General,
Vijayawada Region, Vijayawada,
Vijayawada - 520 013.
4. Senior Superintendent of Post Offices,
Vijayawada Division, Vijayawada,
Andhra Pradesh – 520 001.

... Respondents

(By Advocate: Mr. M. Mohan Rao, 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 18.5.2009 while working for the respondents organisation as Grameen Dak Sewak Packer, applicant preferred an application for compassionate appointment which was rejected on 25.5.2012 without disclosing reasons. Applicant represented on 7.8.2019, which was rejected claiming that the instructions dated 30.5.2017 are applicable to pending cases. Aggrieved, OA has been filed.

4. The contentions of the applicant are that as per DOPT Memo dated 16.1.2013, there is no time limit to consider compassionate appointment cases. Respondents memo dated 30.5.2017 speaks of considering compassionate appointment cases based on merit. The rejection order is reasonless. Family is in distress and it requires support in the form of compassionate appointment. As per Hon'ble Supreme Court, there should not be any delay in deciding compassionate appointments.

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

6. I) The impugned order issued on 25.5.2012 is extracted here under

"It was informed by the Postmaster General, Vijayawada Region vide letter No. ST-V/GDS/CRC/Misc. dated 23.05.2012 that the CRC held on 10.05.2012 has not recommended your case for compassionate appointment to the post of GDS Pkr, Gannavaram SO."



The order obviously is cryptic, decision rendered without a reason is lifeless and hence, invalid are the averments made by the Ld Counsel for the applicant. The latest instructions of the respondents on the subject are to be made applicable is the fervent submission of the Ld. Counsel for the applicant. Respondents, not doing is incorrect. Across the Bar, the Ld. Counsel for the applicant submitted a letter dated 5.3.2020 issued by the respondents wherein it was directed to review cases of compassionate appointment rejected between 2005 and May 2017 as a one time measure and decide. The case of the applicant is fully covered by this letter. 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 5.3.2020 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.



V) With the above direction, the OA is disposed of with no orders as to costs.

/evr/

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