

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No. 21/959/2019

Hyderabad, this the 12th day of March, 2020



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

Vavilla Kiran Kumar,
S/o. late Vavilla Balaswamy,
Ex-GDSBPM, Pothepally BO,
A/w. Veldanda SO,
Age: 34 years, Wanaparthi Division,
R/o. H. No. 1-40, Pothepally Village,
Veldanda Mandal – 509 360,
Mahabubnagar District.

... Applicant

(By Advocate: Mr. ABLN Pavan Kumar, proxy counsel
for Mr. M. Venkanna)

Vs.

1. Union of India, Rep. by its Secretary,
Government of India,
Ministry of Communications and I.T.,
Department of Posts – India,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General,
Telangana Circle,
Hyderabad – 500 001.
3. The Superintendent of Post Offices,
Wanaparthi Division,
Wanaparthi – 509 103.

... Respondents

(By Advocate: Mrs. B. Gayatri Varma, Sr. PC for CG)

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

2. OA is filed seeking compassionate appointment.



3. Brief facts are that the applicant's father passed away in harness while working for the respondents organisation as Grameen Dak Sewak, Branch Post Master on 15.8.2014 and on preferring an application for compassionate appointment, the same was rejected on 24.6.2015 for securing merit points lesser than 51, the minimum prescribed. Applicant thereafter represented on 24.2.2016 and 7.1.2019 to apply latest guidelines issued in 2015 and 2017 on the subject, but of no avail. Hence, the OA.

4. The applicant contends that the stance of the respondents that the revised guidelines issued in respect of compassionate appointments is applicable to pending and future cases and not for closed cases, is invalid, since the Tribunal allowed a similar case in OA 479/2015 on 23.3.2016. Candidates, who were less indigent, were considered by the respondents. Merit points were improperly calculated.

5. Respondents state in the reply statement that the applicant secured 43 merit points against 51 required and hence, his case was rejected on 24.6.2015. The case of the applicant cannot be considered as per guidelines issued on 17.12.2015 since it is to be applied only for pending cases and prospective cases, but not for a closed case like that of the applicant. Wife of the deceased employee was paid Rs.60,000 towards ex gratia gratuity.

Compassionate appointment cannot be claimed as a matter of right. Only deserving cases are to be considered as per Postal Directorate letter dated 14.12.2010. Judgments of the Hon'ble Supreme Court were cited in support of the contentions of the applicant. Lastly, respondents asserted that the Tribunal has unfortunately waived the delay of 4years in filing the OA.



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

7. I) Respondents averring that the Tribunal has unfortunately waived the delay of 4 years in filing the OA vide orders dated 28.10.2019 is unfortunate since DOPT instructions issued on 16.1.2013 do not stipulate any time limit in processing compassionate appointments. However, the marking of the attributes by the respondents is as per guidelines and cannot be called into question as claimed by the applicant. Nevertheless, the submission made by the respondents that the wife of the deceased employee was paid ex gratia gratuity of Rs.60,000 can be no material in rejecting cases of compassionate appointment as per DOPT instructions dated 16.1.2013 on the subject. Lastly, respondents have themselves decided vide their letter dated 5.3.2020 that all the cases of compassionate appointments from 2005 to 2017 have to be reviewed as a one-time measure, keeping in view the spate of court orders rejecting their plea that revised guidelines of compassionate appointment are not applicable to closed cases. The relevant portion of the letter is extracted here 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.”

The observations of the Hon'ble Supreme Court relied upon by the respondents are therefore irrelevant in the context of their decision vide letter cited.

II) In view of the aforesaid circumstances, the OA is allowed. The case of the applicant for compassionate appointment be reconsidered within a period of 4 months from the date of receipt of this order, in true spirit as was observed in the letter referred to.

III) With the above direction the OA is allowed with no order as to costs.

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

/evr/