

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/87/2015

HYDERABAD, this the 3rd day of March, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member



K. Ravi, S/o. Late Shankaralingam,
 Aged about 34 years,
 Ex. Gramina Dak Sevak Mail Carrier,
 Medapalli B.O. a/w. Narsampet S.O-506 132,
 R/o. Medapalli B.O. a/w. Narsampet SO – 506 132,
 Warangal Division.

...Applicant

(By Advocate: Sri M. Venkanna)

Vs.

1. The Union of India rep. by its
 Secretary, Government of India,
 Ministry of Communication & IT.,
 Department of Posts – India,
 Dak Bhavan, Sansad Marg,
 New Delhi – 110 001.
2. The Chief Postmaster General,
 A.P. Circle, Abids, Hyderabad – 500 001.
3. The Superintendent of Post Offices,
 Warangal Division, Warangal – 506 002.
4. The Inspector Posts,
 Narsampet Sub Division,
 Narsampet, Warangal District – 506 132.

....Respondents

(By Advocate :Smt.Megha Rani Agarwal, Addl. CGSC)

ORAL ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

2. The OA is filed challenging the notification dt. 31.12.2014 issued inviting applications from open market for filling up the post of GDSMC, Medapalli BO and for a consequential direction to the respondents to consider the applicant for compassionate appointment to any GDS post.



3. Brief facts of the case are that the father of the applicant while working as Grameen Dak Sewak (GDS), Medapalli BO died in harness on 19.2.2012 and hence the applicant sought compassionate appointment, which was rejected by the respondents on 27.7.2014. Applicant was allowed to work in the said BO as a stop gap arrangement as GDS. When the rejection was challenged, this Tribunal in OA 886/2014 directed the respondents to reconsider the claim of the applicant. Instead of complying with the order, respondents issued the notification for filling up the post of GDSMC, Medapalli BO, for which the applicant is eligible to be considered. Aggrieved over the same, the OA is filed.

4. The contentions of the applicant are that the terminal benefits received have been used to repay debts incurred in getting his father treated. The indigent circumstances have to be properly assessed and the applicant kept in the waiting list for 3 consecutive years. Similarly situated persons who are less indigent have been considered. The applicant was not considered for not securing 51 points and the very process of awarding marks is unscientific. Respondents should not have issued the notification without considering the case of the applicant for compassionate appointment.



5. Respondents state that the applicant's case for compassionate appointment was rejected by the circle relaxation committee on 25.3.2014 for securing less than 51 points and since he was married. The Tribunal in the OA 886/2014 directed to reconsider the claim and issue a speaking order and till that time, not to disturb the stop gap arrangement. Accordingly, a speaking order was issued on 27.10.2014 rejecting the request of the applicant stating that the applicant secured 27 points against 51 required. Applicant is married and is not considered as dependent. After complying with the order of the Tribunal, notification was issued to fill up the post vide notification on 31.12.2014. The applicant has immovable property of value Rs.2,40,000/- No person with less than 51 points was considered.

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

7. I. The dispute is about grant of compassionate appointment on the death of the father of the applicant, who died while working for the respondents as GDS. The respondents rejected the request for having secured 27 points against various attributes, which is less than the threshold level of 51 points. Challenging the rejection OA 886/2014 was filed wherein it was directed to issue a speaking order and allow the applicant to continue in the stop gap arrangement made. Respondents complied by issuing a speaking order on 27.10.2014 and thereafter, issued a notification on 31.12.2014 to fill up the post. Challenging the notification, the present OA has been filed wherein the Tribunal, as an interim measure on 27.1.2015 has directed the respondents not to disturb the existing

arrangement and later the interim order was vacated vide order in MA 899/2016 dated 17.11.2016.

 II. The policy in regard to recruitment under compassionate grounds has been undergoing several changes. It started with fixing the threshold limit of securing 51 marks for being offered compassionate appointment. Later, it was relaxed to 36 points and finally the points system has been dispensed. On the eve of dispensing the points system, respondents as a matter of policy have decided to review the rejected cases from 2005 to May 2017 vide their Circular dated 05.03.2020. The case of the applicant therefore requires to be considered as per the new policy. Moreover, the law is well settled that married son is also eligible for compassionate appointment. Hence, rejection on the ground that the applicant is married is untenable.

III. Therefore, in view of the above, respondents are directed to consider the case of the applicant for compassionate appointment as per new policy, within a period of 4 months from the date of receipt of this order.

IV. With the above direction, the OA is disposed with no order as to costs.

(B.V.SUDHAKAR)

ADMINISTRATIVE MEMBER

(ASHISH KALIA)

JUDICIAL MEMBER

/evr/