

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00045/2020

HYDERABAD, this the 1st day of January, 2021

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



P.Giri, aged about: 34 years,
S/o Late P.Sudhakar, Group-C,
Ex-Postal Assistant, Nellore Head Post Office,
Aged about : 32 years, R/o H.No.25/2/2050,
Gautham Nagar, Podalakuru Road, A.K.Nagar,
Nellore – 524004. ...Applicant

(By Advocate : Mrs. Rachna Kumari)

Vs.

1. Union of India, represented by
The Director General, Posts,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi-1.
2. The Chief Postmaster General,
A.P. Circle, Vijayawada.
3. The Postmaster General,
Vijayawada Region, Vijayawada.
4. The Superintendent of Post Offices,
Nellore Division, Nellore-524001.Respondents

(By Advocate : Mr. B.Siva Sankar, Addl. CGSC)

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

Through Video Conferencing:

2. The OA is filed in regard to grant of compassionate appointment.



3. Brief facts of the case are that the applicant's father died while working as BCR PA on 25.09.2010. Applicant's sister is physically handicapped and his mother has to be taken care of. Request of the applicant for compassionate appointment was rejected on 15.05.2014 due to limited number of vacancies. Applicant also filed OA earlier, but of no avail and hence, the OA.

4. The contentions of the applicant are that there is no time limit to consider compassionate appointments. Instructions prevailing at the time of death of the employee have to be followed for considering cases for compassionate appointment. The Memos dated 14.12.2010, 9.3.2012 and 13.4.2012 have prospective effect and the judgment of the Hon'ble High Court of Andhra Pradesh in WP No.31470/2014 is in favour of the applicant.

5. Respondents have stated in the reply that the applicant's case for compassionate appointment was initially rejected on 15.05.2014 and thereupon the case of the applicant was reconsidered in the CRC held on 08/09.7.2019 in view of the order of this Tribunal in OA No. 217/2017, but he could not be selected in view of the limited number of 5% of DR

vacancies in Group C cadre. Subsequent to filing of the instant OA, keeping in view the instructions of the DOPT, the case of the applicant was once again considered in the CRC held on 29/30.07.2020, but he was, once again, not recommended for want of vacancies. It is stated in the reply that the cases which were not recommended in the said CRC meeting, will be placed before the next CRC in first quarter of 2021 and a communication to this effect was also issued to the applicant on 22.10.2020 (Annexure R-4).



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

7(I) It is evident that the applicant's case was considered for compassionate appointment on three occasions namely on 29.04.2014, 8/9.7.2019 and 29/30.7.2020, but was not selected in view of the limited number of 5% of DR vacancies in Gr. C cadre allotted for compassionate appointment year wise and also in view of the relative merit of the candidates considered for selection.

(II) Applicant has sought appointment at least in GDS cadre, which, on policy, respondents have decided not to consider from 2003 onwards.

(III) The Memos referred to by the applicant and the judgment of the Hon'ble High Court cited by the applicant apply to cases pertaining to GDS posts and not to Group C posts for which the applicant is eligible to be considered.

(IV) Nevertheless, respondents themselves have decided on 29/30.07.2020 to consider all the rejected cases pertaining to compassionate appointment in the next CRC to be held in first quarter of 2021. In view of the above decision of the respondents, they are directed to reconsider the case of the applicant, within a period of 4 months from the date of receipt of this order.



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

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

/evr/