

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00974/2019

HYDERABAD, this the 31st day of December, 2020

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



P. Laxman S/o Late Sri P. Lingiah,
Aged about 28 years, Ex-GDSMC, Sirsa BO,
a/w Chenure S.O., H.No.1-15, Sirsa Village,
Kotapalli Mandal, ADILABAD District.Applicant

(By Advocate : Mr. M. Venkanna)

Vs.

1. The Union of India represented by
Its Secretary, Government of India,
Ministry of Communications and I.T,
Department of Posts – India,
Dak Bhavan, Sansad Marg,
New Delhi – 110001.

2. The Chief Postmaster General,
Telangana Circle, Abids,
Hyderabad – 500001.

3. The Superintendent of Post Offices,
Adilabad Division, ADILABAD,
Dist : Adilabad.Respondents

(By Advocate : Mr. M. Venkata Swamy, 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 father of the applicant died in harness on 31.05.2012 while working for the respondent organization as Grameena Dak Sevak (GDS). Applicant, thereupon, made a request for grant of compassionate appointment which was rejected. The same was challenged in OA 1162/2017 which was allowed on 23.04.2019. Respondents without considering the same, issued the notification to fill up the post and hence the OA.

4. The contentions of the applicant are that he has no property and the family earning is meager. The indigent circumstances were not properly evaluated. Issuing notification without implementing the order of the Tribunal would tantamount to contempt of court.

5. In the reply statement, respondents contend that the family income of the deceased employee is Rs.26,000/- per annum through labour and terminal benefits of around Rs.1,28,000 were paid to the dependents of the deceased employee. The request for compassionate appointment was examined by the Circle Relaxation Committee on 27.05.2013 and rejected the same for having secured 46 points against 54 points required. Challenging the rejection, OA 1162/2017 was filed which was allowed and in the meanwhile, notification was issued for filling up 59 GDS posts including the one applied for by the applicant, resulting in the emergence of



the instant OA. Postal Directorate revised the compassionate appointment guidelines on 17.12.2015 and lowered the points to be secured from 51 to 36 with a proviso that the revised guidelines would have prospective effect.

With the new guidelines in vogue, the case of the applicant cannot be processed with reference to old guidelines and the new guidelines are only prospective in nature leaving no room to consider the case of the applicant.

Applicant cannot claim appointment to a particular vacancy as a matter of right.

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

7(I) It is not in dispute that the applicant's father died while working for the respondents organization as GDS. The request of the applicant to compassionate appointment was considered and rejected on 25.07.2013 by the Circle Relaxation Committee as the applicant failed to secure the minimum 51 points required for selection. Aggrieved, applicant filed OA 1162/2017 wherein the respondents were directed to reconsider the case. Respondents state that applicant's case could not be considered since the old guidelines were replaced by new guidelines on 17.12.2015 which are prospective in nature. This contention is incorrect since any beneficial order will have retrospective effect, as otherwise it will lead to class discrimination amongst the same set of prospective seekers of compassionate appointment. That apart, the respondents themselves have taken a policy decision on 5.3.2020, to reconsider all the rejected compassionate appointment cases between 2005 and May 2017. The relevant portion of the letter is extracted hereunder:

“2. In this context, the Competent Authority has again reviewed the instructions on the Scheme keeping in view of numbers 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 Directorate 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. “

As per the above letter, case of the applicant has to be re-considered.

III. Therefore, in view of the latest policy decision of the respondents cited supra, they are directed to re-consider the case of the applicant for any suitable GDS vacancy within a period of 4 months from the date of receipt of this order as per relevant rules and law. The interim order dt. 06.11.2019 of this Tribunal restraining the respondents to fill up the vacancy referred to, shall stand automatically vacated on the date a decision is taken by the respondents as directed, in regard to compassionate appointment sought.

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

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

/evr/