

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00965/2019

DATED THIS THE 23RD DAY OF FEBRUARY, 2021

CORAM:

HON'BLE SHRI SURESH KUMAR MONGA, MEMBER (J)

HON'BLE SHRI RAKESH KUMAR GUPTA, MEMBER (A)

Sri Mallikarjun,
S/o late Sri Adivappa,
Age: 39 years,
Ex-GDS BPM,
R/o Hirekotnekal, Manvi Taluk,
Raichur District 584 123

....Applicant

(By Advocate Shri Mahesh R. Uppin)

Vs.

1. Union of India,
By its Secretary,
Department of Telecommunications,
Ministry Communications and IT,
Sanchar Bhawan 20,
Ashoka Road, New Delhi 110 001

2. The Chief Post Master General,
Karnataka Circle, Palace Road,
Bengaluru 560 001

3. The Post Master General,
N.K. Region, Dharwad 580 001

4. The Superintendent of Post Offices,
Department of Posts,
Raichur Division, Raichur 584 102

5. The Inspector of Posts,
Sindhanur, Raichur District 584 120Respondents

(By Shri N.B. Patil, Counsel for the Respondents)

ORDER (ORAL)**PER: SURESH KUMAR MONGA, MEMBER (J)**

Applicant's father had been working as Gramin Dak Sevak with the respondents. Unfortunately, he expired on 02.08.2013 while in service.

2. The applicant submitted a representation with the respondents on 17.09.2013 requesting therein to provide him the employment on compassionate grounds. The said request was followed by another representation dated 17.02.2014.

3. After a period of more than one year, an order dated 13.01.2015 came to be issued vide which the applicant's request for providing compassionate appointment was declined on the ground that being a married son of the deceased government employee he cannot claim the appointment on compassionate grounds. Aggrieved by the said order, the applicant has invoked the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

4. At the very outset, Shri N.B. Patil, learned counsel for the respondents, submitted that though the applicant's case was initially rejected on 13.01.2015, but in view of the revised guidelines wherein the married son was also made entitled to claim employment on compassionate grounds, his case was reconsidered in a meeting of the Committee on Compassionate Engagement on 13.10.2017. Following the recommendations of the said Committee, the competent authority has again

rejected the applicant's case on 13.11.2017 and the said order has not been challenged by the applicant in the present Original Application.

5. Confronted with this situation, Shri Mahesh R. Uppin, learned counsel for the applicant, submitted that the order dated 13.11.2017 was never communicated to the applicant and, therefore, there was no occasion to lay a challenge to the said order. He, however, submitted that the applicant may be permitted to withdraw the present Original Application with liberty to file a fresh one enabling him to lay a challenge to the order dated 13.11.2017.

6. In view of the above, the applicant is permitted to withdraw the present Original Application with liberty as aforesaid.

7. However, there shall be no orders so as to costs.

(RAKESH KUMAR GUPTA)
MEMBER (A)

(SURESH KUMAR MONGA)
MEMBER (J)

/ksk/