

**Central Administrative Tribunal  
Principal Bench**

**OA No.4051/2015**

New Delhi this the 11<sup>th</sup> day of August, 2016

**Hon'ble Mr. V.N. Gaur, Member (A)**

Kapil Kumar, Aged 23 years,  
For Compassionate Appointment,  
S/o Sri Om Pal Singh,  
R/o Village Ghatayan, via Jansath,  
District Muzaffar Nagar,  
U.P.

...applicant

(By Advocate : Shri S.D. Sharma )

**Versus**

1. Union of India,  
Through Secretary,  
Ministry of Communications,  
Govt. of India,  
New Delhi.
2. Director General,  
Deptt. Of Posts,  
'Dak Bhawan' Sansad Marg,  
New Delhi.
3. Director of Posts,  
Bareilly Region,  
Bareilly, U.P.
4. Sr. Supdt. Of Post Office,  
District Muzaffar Nagar, U.P.

...respondents

(By Advocate : Shri Sandeep Tyagi )

**ORDER (ORAL)**

The short controversy in this case is that the applicant is the son of Shri Om Pal Singh, Ex-GDS, who met with an accident during the course of his duty and became 90% invalid. He applied for compassionate appointment, which was duly recommended by the Senior

Superintendent of Post Office, District Muzaffar Nagar, vide letter dated 04.05.2012. However, this was subsequently turned down by the respondents vide impugned order dated 23.03.2015. The learned counsel for applicant submits that according to the provisions of compassionate appointment issued by the DGP&T vide its letter No. 43-212/79/Pen dated 04.08.1980, the EDs going on retirement on invalid pension were also eligible for consideration. Further, the Government has recently removed the ceiling of 10% on compassionate appointments. In view in these instructions, the respondents have to consider the request of the applicant for compassionate appointment.

2. The learned counsel for respondents on the other hand draws attention to the DGP&T, DGS Section letter No.17-17/2010-GDS dated 14.12.2010, wherein it has been provided in clear terms that "This percentage of 10% shall only apply to cover cases of deceased GDS and not to GDS acquiring disability during service defined in the persons with Disability Act 1955." In the wake of such provision in the scheme, the respondents are not in a position to consider the case of the applicant for compassionate appointment.

3. Heard the learned counsel for the parties. It is not in dispute that the case of the applicant is a deserving case being son of a 90% invalid former GDS. It is also mentioned that two other children of the former GDS are handicapped as well. However, from the perusal of the Govt. letters referred to earlier, it appears that though the respondents have removed the ceiling of 10%, which was laid down in the letter dated 14.12.2010, the remaining conditions mentioned therein are still

subsisting. In other words, the provision that the wards of employees going on invalid pension would not be eligible for compassionate appointment is still intact.

4. In these circumstances, this being the policy of Government, this Tribunal cannot give a direction to the Government to change its policy. However, it will not be out of place to mention that in the letter dated 04.08.1980 (supra) there was a provision for consideration of the wards of GDS/ED cadre employees who retired on invalid pension to be considered for compassionate appointment. The public policy in general is becoming more and more sensitive to the problems of differently abled, under privileged and weaker sections of the society and in such a situation, any change in policy which denies the benefits to the wards of those going on invalid pension appears to be a retrograde step. The OA is, therefore, disposed of with a direction to the respondents to consider the desirability of continuation of the policy with regard to the wards of retired on invalid pension which was prevalent before the issue of letter dated 04.12.2010.

5. With this direction, the OA is disposed of.

( V.N. Gaur )  
Member (A)

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