

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

Original Application No.419/2016

Date of C.A.V. : 13.11.2017

Date of Order : 01. 03.2018

Between :

M.Shashindhar Yadav, S/o Late Sri M.Veeraiah,
(Ex.GDS MC/MD, Paspula B.O.),
Aged about 27 years,
R/o Paspula Village & B.O.,
A/w Peddakothapally S.O.,
Wanaparthi Division.

... Applicant

And

1. The Union of India, rep. by its
Secretary, Government of India,
Ministry of Communications and I.T.,
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 Director of Postal Services,
Hyderabad Region,
O/o the Postmaster General,
Hyderabad Region,
Hyderabad – 500 001.

4. The Superintendent of Post Offices,
Wanaparthi Division,
Wanaparthi – 509 103.

... Respondents

Counsel for the Applicant	...	Mr. M.Venkanna, Advocate
Counsel for the Respondents	...	Mrs.B.Gayatri Varma, Addl.CGSC

CORAM:

Hon'ble Mr.Justice R.Kantha Rao ... Member (Judl.)

ORDER

{ As per Hon'ble Mr.Justice R.Kantha Rao, Member (Judl.) }

This OA is filed to quash and set aside the memo dated 24.06.2015 rejecting the claim of the applicant for compassionate appointment without assigning any reason as being illegal, arbitrary and opposed to the sacred scheme of compassionate appointments and consequently direct the respondents to consider the name of the applicant in the subsequent CRC meetings for compassionate appointment to any eligible GDS post.

2. The applicant's father late M.Veeraiah while working as Gramin Dak Sevak Mail Carrier / Mail Deliverer, Paspula B.O. died in harness on 27.10.2014. He left behind four dependents namely wife, two sons and a minor daughter. In proof of the same, the applicant submitted family members certificate issued by the Tahsildar, Koder dated 29.12.2015. He also submitted no land certificate along with the educational qualification certificates, while making a representation for consideration of his appointment as GDS MC/MD, Pasupula BO on compassionate grounds.

3. The grievance of the applicant is that his request for compassionate appointment is summarily rejected without considering his indigent circumstances.

The rejection order dated 17.03.2016 served on the applicant is as follows :

"I am directed to inform you that the compassionate appointment case of the applicant was rejected by the Circle Relaxation Committee which met on 03.06.2015. Once rejected cases cannot be reopened now."

4. According to the respondents as can be seen from the reply statement, the Circle Relaxation Committee considered the comparative merit of the candidates seeking compassionate appointment with reference to their indigent circumstances and the candidate has to secure 51 points, but the case of the applicant was rejected by the CRC as he secured only 44 points. The contention of the applicant is that the points have not been properly computed by the CRC and he was unjustly denied the compassionate appointment. Subsequently, however the merit point system for hard and deserving cases was revised as 36 against the existing 51 points by the respondents which fact is not in dispute. The respondents also mentioned in the rejection order that the case of the applicant was considered as per the rules existing on the date of CRC meeting and the old cases will not be reopened.

5. I have heard Mr.M.Venkanna, learned counsel for the applicant and Mrs.B.Gayatri Varma, learned standing counsel for the respondents.

6. I do not see any force in the contention put forth by the respondents. So long as the applicant is eligible he can make successive applications seeking compassionate appointment and if the CRC selects him basing on the existing rules which prescribe only 36 points, he can be given compassionate appointment.

More over the rejection order passed by the respondents is lacking in details. It does not state as to how the entire exercise of selection was conducted by the CRC and the points secured by the applicant and other candidates. Therefore, the said rejection order dated 24.06.2015 is set aside.

7. In the foregoing reasons, if there is no application of the applicant seeking compassionate appointment pending with the respondents, the applicant is directed to submit a fresh application seeking compassionate appointment and the respondents are directed to examine the case of the applicant in the light of the revised guidelines and consider his case for compassionate appointment within a period of three months from the date of receipt of a copy of this order.

8. The OA is allowed to the extent indicated above. There shall be no order as to costs.

(JUSTICE R.KANTHA RAO)
MEMBER (JUDL.)

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