

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

**CP/20/118/2016**

**Date of Order : 14.06.2018**

in

**OA/20/1102/2014**

Between :

K. Srinivasa Rao,  
S/o. Late K. Rama Rao,  
Ex.GDS MC/MD, Thanellanka BO,  
Aged about 32 years,  
R/o. 5-67/11, Mattadi Palem Village,  
Mandal Mummidivaram SO,  
Amalapuram Division.

... Petitioner

**And**

1. Dr. Y.P.Rai,  
Chief Postmaster General,  
A.P. Circle,  
Hyderabad – 500 001.
2. Sri K. Venkateswara Rao,  
Superintendent of Post Offices,  
Amalapuram Division,  
Amalapuram – 533 201.
3. Sri V. Hari Babu,  
Inspector of Posts,  
Amalapuram Sub Division,  
Amalapuram – 533 201.

... Respondents

Counsel for the Applicant

... Mr. Y. Srinivas

Counsel for the Respondents

... Mrs. K. Rajitha, Sr. CGSC

***CORAM:***

Hon'ble Mr.Justice R.Kantha Rao	... Judl. Member
Hon'ble Mrs. Minnie Mathew	... Admn. Member

***ORAL ORDER***

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

Heard Shri K. Satya Prasad, learned Senior Counsel appearing for the Petitioner and Smt. K. Rajitha, learned Senior Standing Counsel appearing for the Respondents.

4. The background facts relating to the filing of the Contempt case are briefly as follows:

The father of the Applicant, who was an employee at the Respondents Organization, expired on 17.3.2011. Thereafter, the Applicant submitted an Application to the Respondents to provide him appointment on compassionate grounds in GDS cadre. According to the Respondents, the case of the Applicant was considered by the Circle Relaxation Committee met on 10.5.2012 and his case was not recommended as he failed to secure the required merit points prescribed by the Directorate. Aggrieved by the same, the Applicant filed O.A. No.1535/2012 before the Tribunal. The Tribunal disposed of the O.A. directing the Department to re-consider the claim of the Applicant for compassionate appointment as per the Scheme and also the instructions on the subject matter, with a reasoned order. Again the case of the Applicant was rejected on the ground that he secured only 47 points and also that as he was a married person who cannot be

considered as a dependent as per Directorate's letter dated 9.10.2013. Feeling aggrieved by the said rejection order, the Applicant again filed O.A. No.1102/2014. The Tribunal by order dated 30.5.2016, directed the Respondents to re-consider the claim of the Applicant for engagement as GDS MC/ MD on compassionate grounds in accordance with the Circulars/instructions issued by the Postal Directorate within eight weeks from the date of receipt of the order. The Respondents vide impugned order dated 11.8.2016 again rejected the case of the Applicant on the ground that the Applicant secured 47 points against the minimum of 55 points prescribed by the Directorate and also that as per the subsequent Circular dated 17.12.2017 his case which was rejected cannot be re-considered.

5. At the time of hearing of the O.A. the Respondents, who were aware of the Circular, did not inform the Tribunal about the Circular. Moreover, the Tribunal in its order referred to the judgement of the Hon'ble Supreme Court in Shreejith G. v Director of Education { 2012 (7) SCC 248 } and recorded a specific finding that a married son is also entitled for compassionate appointment. Therefore, in our view, the Respondents again cannot reject the candidature of the Applicant on the very same ground that he is a married son and is not entitled to compassionate appointment in accordance with the subsequent Circular.

6. In any event, the Respondents also rejected the candidature of the

Applicant on the ground that he did not secure the minimum merit points. The learned Senior Counsel appearing for the Applicant submits that the points have not been calculated properly and if it was done properly, the Applicant would have secured the minimum merit points. However, even if the calculation done by the Respondents is wrong, we cannot hold the Respondents guilty for contempt. However, if the Applicant is of the view that the rejection is improper on account of not calculating the points correctly, he can approach the Tribunal for redressal of his grievance by way of a separate O.A. or by any other proceeding, if he chooses to do so.

7. With the above observation, the Contempt Petition is closed.

*(MINNIE MATHEW)*  
*ADMN. MEMBER*

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

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