

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/020/00664/2017

Date of Order : 02-07-2018

Between :

G.Uma Maheswar @ G.P.Uma Maheswari
D/o G.Venkatrmana (Ex.Group D),
Aged about 35 years, Occupation Unemployee,
R/o J/Mp/25/628, Ekalavya Nagar, Nandyal-518501.Applicant

AND

Union of India

1. The Director General, Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi 110001.
2. The Chief Post Master General, AP Circle,
Hyderabad.
3. Post Master General, AP Circle, Kurnool-518002.
4. The Superintendent of Postal Stores, Guntakal. ...Respondents

Counsel for the Applicant: Mr. K. Siva Reddy
Counsel for the Respondents : Mr. K. Rajitha, Sr. CGSC

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDICIAL MEMBER

(Oral order per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member)

Heard Mr. K. Siva Reddy, learned counsel appearing for the applicant
and Mr. B. Lakshman representing Mrs. K. Rajitha, learned Sr Central Govt.,
Standing Counsel for Respondents.

2. The applicant is the daughter of late G. Venkata Ramana (Ex. Group D)

Guntakal who died while in service leaving the applicant and other family members as his legal heirs. After attaining the age of majority she made a representation dated 07.05.2013 to the Respondents seeking for compassionate appointment.

3. The 3rd Respondent rejected the case of the applicant for compassionate appointment by letter dated 13.05.2014.

4. In the instant case the applicant did not challenge the rejection order but filed the OA with the prayer to consider her case in future vacancies.

5. The Respondents filed their counter affidavit stating that in the CRC meetings dated 31.07.2015 and 31.01.2017 were held in combined Andhra Pradesh Circle at Hyderabad and the records relating to CRCs were also with CPMG, Telangana Circle, views of the Telangana Circle for non consideration of the applicant's case in the CRCs dated 31.07.2015 and 31.01.2017 were obtained. It is submitted that CPMG, Telangana Circle vide letter dated 18.01.2018 informed that as per the instructions of DoP&T OM dated 05.05.2003 and 26.07.2012 that cases similar to the applicant were recommended by the CRCs but the applicant's case was not considered for want of vacancies. It is further submitted that the case of the applicant will be placed before the next CRC as per the revised directions issued by the DoP&T. It is also submitted that in view of the revised clarifications, the applicant's case was placed before the CRC held in AP Circle, Vijayawada on 05.02.2018.

6. As per memorandum dated 26.07.2012, the issue regarding time limit of three years which was originally prescribed by OM dated 05.05.2003 was examined keeping in view the judgment dated 07.05.2010 passed in Civil Mic. Writ Petition No.13102 of 2010 rendered by Allahabad High Court, the issue has been re-examined in consultation with Ministry of Law. It has been decided to withdraw the instructions contained in the O.M dated 05.05.2003. Therefore, even according to the Respondents, there is no restriction for considering the candidature of the applicant for compassionate appointment in future vacancies.

7. Since the Respondents stated in the counter that they would examine the case of the applicant in the next CRC, without taking the plea of limitation as defence the 2nd and 4th Respondents are directed to examine the case of the applicant for compassionate appointment in the next CRC and take appropriate decision as per the revised guidelines, pass a reasoned order and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this order.

8. No order as to costs.

(R.KANTHA RAO)
JUDICIAL MEMBER

Dated : 2nd July, 2018.
Dictated in Open Court.

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