

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA/021/01185/2016

Date of CAV : 16-11-2018  
Date of Order : 28-11-2018

Between :

M.Allama Prabhu S/o late Sri M.Bharadwaj,  
Age 40 years, Ex-GDS MD, Hanwada B.O.,  
Mahabubnagar Division,  
Mahabubnagar – 509 001,  
R/o H.No.3-45, HUNWADA-509 334.

....Applicant

AND

1. The Union of India represented by  
Its Secretary, Government of India,  
Ministry of Communications and I.T,  
Department of Posts – India,  
Dak Bhavan, Sansad Marg,  
New Delhi – 110001.
2. The Chief Postmaster General,  
Telangana Circle, Abids,  
Hyderabad-500001.
3. The Superintendent of Post Offices,  
Mahabubnagar Division,  
MAHABUBNAGAR-509 001,  
Dist : MAHABUBNAGAR.

...Respondents

---

Counsel for the Applicant: Mr.M.Venkanna

Counsel for the Respondents : Mr.Brahma Reddy, Sr. PC for CG

---

CORAM :

THE HON'BLE MR.SWARUP KUMAR MISHRA, JUDICIAL MEMBER

(Order per Hon'ble Mr.Swarup Kumar Mishra, Judicial Member)

---

(Order per Hon'ble Mr.Swarup Kumar Mishra, Judicial Member)

---

This application is filed under section 19 of the Administrative Tribunals Act, 1985 to quash and set aside letter No.B2/CA/GDS/130/15, dated 26-09-2016 rejecting the appointment of the applicant for compassionate appointment without assigning any reason, being arbitrary and illegal and opposed to the sacred scheme of compassionate appointments and consequently direct the respondents to reconsider the name of the applicant in the subsequent CRC meetings for compassionate appointment to any eligible GDS post in the interest of justice and be pleased to pass such other order or orders as this Tribunal may deem fit and proper in the circumstances of the case.

2. The brief facts of the case are that the applicant's father late M. Bharadwaj while working as GDS MD, Hunwada B.O, Mahabubnagar Division, Mahabubnagar District dies in harness on 28-10-2015 leaving behind wife, two sons and two daughters. That there are no earning members in the bereaved family and there are no movable and immovable properties except a small kacha house in Hanwada and the deceased family members living in distressed condition and to that effect the letter No. E/528/2016, dated 18.05.2016, issued by the Tahsildar, Hanwada Mandal, Mahabubnagar District. The applicant passed Secondary School Certificate.

3. That the family of the deceased GDS MD, ie M. Bhardwaj was paid Rs.60,000/- towards Exgratia gratuity. Unfortunately, the Respondents

rejected have taken other amounts into consideration. The most unfortunate kind of things is Rs.7,000/- (Rupees seven thousand only) which was paid towards funeral expenses as Financial Assistance paid from Welfare Fund was also taken into consideration of terminal benefit which ought to have been excluded. Thus the family got only Rs.60,000/- as terminal benefit that the applicant get the maximum points under the head of the Discharge Benefits.

4. That the applicant has applied for compassionate appointment soon after the death of his father and it came to be rejected without assigning reasons except saying that the applicant did not secure 36 points, but, no categorical evaluation of points was communicated. It is humbly submitted that his application for compassionate grounds should be considered in the light of the latest revised scheme as per which the merit points for consideration of compassionate appointment were reduced from the minimum requisite points of 51 to that of 36 as per the revised Scheme dated 17-12-2015 by re-evaluation of points.

5. That the applicant is not having any source of income and no movable or immovable properties to any of the family members, except a small hutment hardly to live in. That the respondents in consideration of the historical fact that the earlier schemes could not accommodate desired number of deserving people were pleased to revise the merit points by issuing a new scheme vide memo dated 17-12-2015 whereby the criterion / indices for assessment of indigent circumstances have been modified and

also the awarding of points was enhanced in respect of some of the criterion of indigent circumstances as a whole, the Minimum merit points were reduced from 51 points to 36 points.

6. That the applicant got 45 points duly awarding points to each attribute of indigent circumstances but unfortunately the same has been rejected arbitrarily. Wife of the deceased GDS represented the applicant herein ie the ward of the deceased GDS to appoint him as GDS MD , Hunwada S.O., a/w Mahabubnagar H.O. As the points awarded were less than 36, the request for compassionate appointment was rejected.

7. That the applicant was already paid Rs.60,000/- as Ex-gratia gratuity vide 3<sup>rd</sup> respondent office memo dated 23.05.2016 and an amount of Rs. 30,000/- is paid as Postal Relief Fund vide memo dated 28.12.2016 of the 3<sup>rd</sup> Respondent. The eligible amounts under GDS Group Insurance Payment and Severance amount are pending for payment. The approximate amount of GDSGIS may come to Rs.50,000/- and Severance amount of Rs.58,500/-. Hence the total discharge benefits exceeds to Rs.1,50,000/-. Hence 5 points were awarded under Discharge benefits.

8. That the applicant claimed merit points of 15 points against number of dependents. As per the family member certificate submitted by the applicant, the married daughters are not dependents. Hence the applicant is eligible for '10' merit points for two dependant members; the applicant claimed '2' merit points against left over service of the deceased. The

applicant is eligible for '2' points and accordingly 2 points were given; the applicant claimed '5' merit points against 'No Land'. The applicant submitted 'No Land certificate' while submitting the application for consideration of his appointment as GDS MD, Hunwada S.O on compassionate grounds. As the applicant is eligible for 5 merit points against 'No Land' as per the 'No Land certificate', '5' merit points were given; the applicant claimed '3' points; the applicant claimed '10' points as no earning member in the family. The applicant submitted 'No Earning Member' certificate along with movable and immovable properties in the name of the deceased showing a small house in Hunwada village and mandal. Accordingly the applicant was allowed '10' merit points. The applicant is claiming '10' merit points against Discharge Benefits. The applicant was already paid Rs.60,000/- as Ex-gratia gratuity and Rs.30,000/- as Postal Relief Fund payment. Other eligible amounts under GDSGIS for Rs.50,000/- approximately and Severance Amount for Rs.58,500/- approximately. Hence the total discharge benefits put together exceeds Rs.1,50,000/-. Therefore, the applicant was allowed '5' points under Discharge benefits. Thus the total merit points awarded to the applicant comes '35'. In view of these submissions, the Respondents pray for dismissal of the OA as devoid of merits.

9. I have heard Mr. M. Venkanna, learned counsel for the applicant and Mr. M. Brahma Reddy, learned Sr PC for Central Govt.,.

10. Learned counsel for the applicant, in support of his contentions relied

upon the orders :

(i) dated 01-03-2018 of CAT, Hyderabad in OA No.419/2016;

(ii) dated 23.03.2016 of this Bench in OA No.497/2015;

(iii) dated 12-10-2018 of this Bench in OA No.24.09.2018

11. Learned counsel for the applicant had interalia submitted that although other retiral benefits have not been disbursed in favour of the applicant, the Respondents have taken into consideration the amounts which have not been paid to the applicant under the heading 'terminal benefits'. There is much force in the submission of the applicant on this score since the money which has not yet been paid to the applicant cannot be considered as has already been paid and therefore seven (7) points should have been granted in favour of the applicant.

12. The learned counsel for the applicant brought to the attention of this Tribunal that since there were three (3) dependents, the Respondents should have allotted 15 points under the relevant heading of 'dependents', instead of that, the Respondents awarded 10 points which is not proper. Therefore, if the seven (7) marks to be awarded under the heading of terminal benefits is calculated along with the 15 points for 'dependents', then the total points secured by the applicant comes to 42 points. The minimum points required for consideration is 36. Therefore the applicant was justified in his claim that he has been illegally deprived for the appointment in question although he had more than the required marks. Hence this Tribunal directs that the application of the applicant be

considered afresh by treating that he had secured 42 marks. The Respondents have to consider the applicant's application in accordance with law within three months from the date of receipt of a copy of this order and pass a reasoned and speaking order.

13. The Original Application is accordingly allowed. In the circumstances of the case, there shall be no order as to costs.

(SWARUP KUMAR MISHRA)  
JUDICIAL MEMBER

Dated : 28<sup>th</sup> November, 2018.

vi