

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**BANGALORE BENCH**

**ORIGINAL APPLICATION NO.170/00005/2018**

**DATED THIS THE 28<sup>th</sup> DAY OF SEPTEMBER, 2018**

**HON'BLE DR.K.B. SURESH, MEMBER (J)**  
**HON'BLE SHRI DINESH SHARMA, MEMBER (A)**

S.S.Havanagi  
 Age: 44 years  
 S/o Late Sahadevappa  
 Working as DS MD  
 Tilavalli S.O., Haveri District  
 Residing at:  
 Herur P.O.581148  
 Hangal Taluk.  
 ....Applicant

(By Advocate Shri P.Kamalesan)

Vs.

1. Union of India  
 Reptd. by Secretary  
 Department of Post, Dak Bhavan  
 New Delhi-110001.
2. Chief Post Master General  
 Karnataka Circle  
 Bangalore-560001.
3. Post Master General  
 N.K.Region  
 Dharwad-580001.
4. Superintendent of Post Offices  
 Haveri Postal Division  
 Haveri-581110.  
 Respondents

...

(By Advocate Sri S.Sugumaran)

**O R D E R (ORAL)**

**(PER HON'BLE DR.K.B.SURESH, MEMBER (JUDL.)**

Heard. The applicant in the year 1999 lost the breadwinner and applied for compassionate appointment. In the next opportunity, he came out third and could not be appointed as there were only two vacancies and two persons

were appointed. The next year he became eligible but then there is a ban of appointment and therefore he could not be appointed. But on interregnum measure, the applicant was offered the post of GDS which he had accepted. Later on, even if belatedly, he had claimed that the benefit of compassion must remain with him as he was eligible for a post of Group-D or Postman at that relevant time.

2. Per contra, Shri Sugumaran submits that compassionate appointment is a special genre of an appointment which has nothing to do with qualification or eligibility for a particular post as, if a widow is given appointment even without her having the qualification for the post to which she is appointed, she can be appointed to that post and given time to acquire qualification at a later stage. That being so, compassionate appointment is a special genre of back door entry which will stipulate that alleviation of poverty is the only ground which energises such appointment.

3. That being so, the reasoning provided by Shri Sugumaran seems to be more acceptable as once having accepted the post of GDS, compassion which should be meted out to the applicant by the employer ceases and do not have any further effect on either the applicant or the employer because compassion is then satisfied. The applicant might be qualified to hold better post but then such qualification must await the opportunities of LDCE which may be available to him but then through the door of compassion that door cannot be opened twice which has been opened once for him and that is the only thing that law stipulate. Therefore, there is no merit in the OA. Dismissed. No costs.

(DINESH SHARMA)  
MEMBER(A)  
/ps/

(DR. K.B. SURESH)  
MEMBER (J)

**Annexures referred to by the applicant in OA.170/00005/2018:**

Annexure-A1: Copy of Superintendent of post offices, Haveri Division, letter No.B2/52/Rlxn/01 dtd:28.9.2001

Annexure-A2: Copy of Superintendent of post offices, Haveri Division, letter No.GDS MD/MC/IVI dtd:5.8.2002

Annexure-A3: Copy of Superintendent of post offices, Haveri letter No.B2/52(Rlxn) dtd:23.10.2006

Annexure-A4: Copy of representation dtd.30.3.2016

Annexure-A5: Copy of Chief Post Master General, Karnataka, letter No.R&E/2-5/MISC NK-v dtd:6.5.2016

Annexure-A6: Copy of Superintendent of post offices, Haveri Division, letter No.HVR/RTI/2017-18 dtd: 27.11.2017

**Annexures with reply statement:**

Annexure-R1: OM dd.18.11.1991

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