

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00005/2018

DATED THIS THE 28th 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/RIxn/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(RIxn) 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
