

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/020/00388/2017

Date of Order : 25-04-2019

Between :

J. Mahaboob Basha S/o Late J. Md. Ghouse,
Muslim, Aged 38 years, Occ : Unemployee,
R/o H.No.3/134, Majeed Street,
Rayalacheruvu Village – 515 455,
Yadiki Mandal, Anantapuram District.

....Applicant

AND

1. Union of India, Represented by
The Director General,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi-110 001.

2. The Chief Postmaster General,
A.P.Circle, Abids, Hyderabad-500 001.

3. The Postmaster General, Kurnool,
Kurnool-518 002.

4. The Superintendent of Post Offices,
Anantapur Division, Anantapuram-515 001.

...Respondents

Counsel for the Applicant: Mr. T. P. Acharya

Counsel for the Respondents : Mr.A.Surender Reddy, Addl CGSC

CORAM :

THE HON'BLE MR.V.AJAYKUMAR, JUDICIAL MEMBER

THE HON'BLE MRS.NAINI JAYASEELAN, ADMINISTRATIVE MEMBER

(Oral Order per Hon'ble Mr.V.AjayKumar, Judicial Member)

The applicant filed the OA aggrieved by the action of the Respondents in refusing to consider the case of the applicant for compassionate appointment.

2. It is submitted that the applicant passed SSC and his father late J. Md. Ghouse died in harness while working as GDS on 23.07.2013 leaving behind him his wife, four daughters and two sons. The applicant is the eldest son of late J. Md. Ghouse. In view of the indigent conditions of the family after the sudden death of the only bread earner, he requested the Respondents to consider his case for appointment on compassionate grounds. The Respondents vide Annexure A-3 order dated 14.06.2013, informed that his case was considered by the Circle Relaxation Committee, however rejected the same as the relevant merit points awarded by the Committee were below 51. His request for reconsideration was also rejected by the Respondents on 20.2.2015 vide Annexure A-IV. Then the applicant filed OA No.461/2015 challenging the said rejection.

3. It is further submitted that this Tribunal disposed of the said OA No.461/2015 on 15.06.2016 as under : -

“6. In the result, the impugned Annexure A-1 order dated 14.6.2013 is set aside and the respondents are directed to place the case of the applicant before the Circle Relaxation Committee and reconsider his claim for appointment on compassionate grounds in accordance with the notification of the Department of Posts dated 17.12.2015. The time granted for compliance is 8 weeks from the date of receipt of a copy of this order.

7. The O.A is allowed with the above direction. No costs.”

4. It is also submitted that in compliance of the aforesaid orders, the Respondents passed the impugned Annexure A-2, dated 06.03.2017 again rejecting the claim of the applicant. Hence this O.A.

5. Heard Mr. T. P. Acharya, learned counsel for the applicant and Mr. A. Surender Reddy, learned Addl Central Govt., Standing Counsel for Respondents and perused the pleadings on record.

6. The Respondents passed the impugned Annexure A-2 order dated 06.03.2017 rejecting the claim of the applicant once again by placing reliance on Annexure A-1, Corrigendum dated 10.06.2016 which provide for prospective effect to the newly issued instructions dated 17.12.2015 for consideration of the case in the scheme for engagement of dependent of a deceased GDS and for review of existing point based system of assessing indigence. The learned counsel for the applicant submits that this Tribunal in OA No.904/2016, dated 07.08.2018 by order dated 07.08.2018 in B. P. Satish Kumar Vs. Union of India & Others has already considered the validity of the said Corrigendum dated 10.06.2016 and having found the same as illegal and against to the scheme of compassionate appointment, set aside the said corrigendum. Accordingly, he submits that the Original Application is liable to be allowed and the applicant is entitled for consideration of his case in terms of latest instructions of the Respondents themselves issued on 17.12.2015.

7. On the other hand Sri A. Surender Reddy, learned Addl Central Govt., Standing Counsel for Respondents while supporting various submissions made in the reply filed by the Respondents, however, not disputed the fact of setting aside of the Annexure A-1, Corrigendum dated 10.06.2016 by this Tribunal in OA No.904/2016 by order dated 07.08.2018 in B.P.Satish Kumar Vs. UoI & Others.

8. Since the impugned order is passed basing on the Corrigendum dated 10.06.2016 and the said Corrigendum is already set aside by this Tribunal, the OA is liable to be allowed.

9. Accordingly the impugned order dated 06.03.2017 is set aside and the Respondents are directed to reconsider the case of the applicant for appointment on compassionate grounds in terms of the instructions and Rules which are in force as on today along with other eligible persons against a suitable post in the next Circle Relaxation Committee meeting.

10. O.A allowed accordingly with no order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

(V.AJAYKUMAR)
JUDICIAL MEMBER

Dated : 25th April, 2019.
Dictated in Open Court.

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