

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**OA./21/301/2018
Dated: 24/04/2019**

BETWEEN:

Panjala Srinivas, S/o.Late Sri P. Pochaiiah,
Ex. Gramina Dak Sevak Branch Postmaster,
Theriyal Branch Office account with
Atmakur Sub Post Office,
Nalgonda Division,
Aged about 34 years,
R/o. H.No. 4-2, Theriyal Village,
Atmakur, Nalgonda District.

..... Applicant

AND

1. The Union of India rep. by its
Secretary,
Government of India,
Ministry of Communication and I.T.,
Department of Posts –India,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General,
Telangana Circle, Abids,
Hyderabad – 500 001.
3. The Postmaster General,
Hyderabad Region,
Hyderabad – 500 001.
4. The Superintendent of Post Offices,
Nalgonda Division,
Nalgonda – 508 001.

.....Respondents

Counsel for the Applicant : Mr. M. Venkanna, Advocate
Counsel for the Respondents : Mrs. D. Shobha Rani, Addl.CGSC

CORAM**Hon'ble Mr. V. Ajay Kumar, Judl. Member****ORAL ORDER****{Per Hon'ble Mr. V. Ajay Kumar, Judl. Member}**

The applicant who is son of Late Sri P. Pochaiyah, Ex. Gramina Dak Sevak, Branch Postmaster, who died in harness on 24.11.2011 filed the OA, aggrieved with the Annexure-I letter dated 20.03.2017 whereunder the respondents have informed the applicant that the Circle Relaxation Committee (CRC) which met on 08.03.2017 has not considered the case of the applicant for appointment to any of the GDS post under the relaxation of recruitment rules on compassionate grounds.

2. The brief facts of the case are that the applicant's father died in harness on 24.11.2011 while working as GDS BPM leaving behind him his mother, wife and three daughters and two sons. The applicant is the 2nd son and due to the sudden death of the only bread earner of the family i.e. father of the applicant he sought appointment on compassionate grounds against any suitable vacancy. The respondents rejected the claim of the applicant on the ground that the points awarded were below 51 points vide Memo dated 04.02.2014 (Annexure –VIII). Aggrieved with the same the applicant filed OA.231/2014 and the same was disposed of by the Tribunal vide order dated 30.05.2016 as under:-

“8. Having regard to the revised merit criteria points notified by the GOI, Ministry of Communications & IT, Department of Posts Letter No.17-17/2010-GDS dated 17-12-2105, we direct the respondents to place the applicant's case before the Circle Relaxation Committee in its ensuing

Meeting for consideration of his appointment on compassionate grounds in accordance with the revised merit

criteria notified in the above cited letter.”

3. In spite of the above referred orders of this Tribunal, the respondents have denied consideration of the applicant vide impugned Annexure-I dated 20.03.2017 basing on Annexure-II dated 10.06.2016 wherein it was stated that the revised guidelines / provisions issued by the respondent Department for consideration of the case on compassionate grounds will be prospective i.e. date of issuance of the instructions dated 17.12.2015. Hence the OA.

4. Heard Mr. M. Venkanna, learned counsel for the applicant and Mrs. D. Shobha Rani, learned Standing Counsel for the Respondents, and perused the pleadings on record.

5. Mr. M. Venkanna, learned counsel for the applicant at the outset submits that this Tribunal disposed of OA.231/2014 keeping in view the new instructions dated 17.12.2015 on the issue of consideration of case for appointment on compassionate grounds. The Annexure-AII corrigendum dated 10.06.2016 was already declared invalid in B.P. Satish Kumar vs. Union of India & others in OA.904/2016, dated 07.08.2018 after considering the latest instructions dated 17.12.2015 as well as corrigendum dated 10.06.2016 and, after having found that the said corrigendum is unsustainable in law.

6. On the other hand Ms. D. Shobha Rani learned counsel appearing for the respondents while not disputing the fact of setting aside of the

Annexure-AII corrigendum dated 10.06.2016 in B.P. Satish Kumar (Supra),

however opposed the OA on various other grounds.

7. A perusal of the impugned Annexure-AI dated 20.03.2017 and the averments made in the counter filed by the respondents clearly indicates that the case of the applicant was not considered by the Circle Relaxation Committee solely basing on the Annexure-AII corrigendum dated 10.06.2016 , which was already declared as invalid by the Tribunal in B.P.Satish Kumar (supra).

8. In the Circumstance, the OA is allowed and the impugned Annexure-AI dated 20.03.2017 is quashed. The respondents are directed to consider the claim of the applicant for appointment on compassionate grounds in terms of the latest instructions invogue in the next Circle Relaxation Committee Meeting, along with other eligible candidates in accordance with law. No costs.

(V. AJAY KUMAR)
JUDL. MEMBER

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