

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

**OA/20/688/2017
CAV on 19/03/2019**

Date of order: 08/04/2019

BETWEEN:

1. Smt. K. Annapurna,
W/o.Late Kale Paranjyothi,
(Ex-BCR/ Postal Assistant,
H.O. Vijayawada) –(Deceased),
Aged about 51 years,
R/o. 43-18-9, Block No.88,
Opp.RCM Church, Ajit Singh Nagar,
Vijayawada – 520 015.
2. Kale Kishore Kumar,
S/o. Late Kale Paranjyothi,
(Ex-BCR/Postal Assistant,
H.O. Vijayawada)- (Deceased),
Aged about 31 years,
R/o. 43-18-9, Block No.88,
Opp.RCM Church, Ajit Singh Nagar,
Vijayawada – 520 015.

..... Applicants

AND

1. Union of India rep. by
The Director General, Posts,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi – 1.
2. The Chief Postmaster General,
A.P. Circle, Hyderabad.
3. The Postmaster General,
Vijayawada Region, Vijayawada.
4. The Sr. Superintendent of Post Offices,
Vijayawada Division, Vijayawada.
5. The Assistant Superintendent of Post Offices,
Vijayawada North Sub- Division,
Vijayawada – 520 001.

.... Respondents

Counsel for the Applicant : Mrs. Rachna Kumari, Advocate
Counsel for the Respondents : Mrs. Megha Rani Agarwal, Addl. CGSC

CORAM

Hon'ble Mrs. Naini Jayaseelan, Admn. Member

ORDER

{ Hon'ble Mrs. Naini Jayaseelan, Admn. Member }

The first applicant's husband while working as BCR/Postal Assistant, Head Office, Vijayawada, died in harness on 25.10.2008. The 1st applicant made a representation requesting the respondents to consider the case for compassionate appointment for her son i.e. 2nd applicant. However, vide impugned order dated 09.03.2017, the 4th respondent issued order dated 30.05.2011 rejecting the claim for compassionate appointment on the ground that the Circle Relaxation Committee (CRC) had not considered the case due to limited availability of 5% of the total DR vacancies under compassionate appointment quota. On submission of her representation dated 07.11.2012 the case of the 2nd applicant was again rejected on the ground vide order Np.B1-3/CA/KP/09 dated 21.11.2012 stating that *"providing employment in the cadre of GDS is irregular and hence the case of the applicants could not be considered."*

2. The claim of the 2nd applicant was again rejected on 26.09.2014 on the ground that three years had already lapsed.

3. The applicant had filed an OA. No.1495/2014 which was adjudicated upon and disposed of vide order dated 01.12.2016 setting aside the impugned order dated 26.09.2014 and directing the respondents to place the matter before the CRC and consider the case of the applicant in the light of the DoPT OM dated 26.07.2012 by passing a reasoned and speaking order and communicate the order within a period of three months from the date of receipt of the copy of the order.

4. However, the 4th respondent vide order dated 09.03.2017 again rejected the claim of the applicant which reads as under:-

“4. The Competent Authority, i.e., Circle Relaxation Committee headed by the Chief Postmaster General, AP Circle, Hyderabad has reconsidered the case/claim of the applicant in the CRC meeting held on 31.01.2017 in the light of the above Hon’ble CAT order dated 01.12.2016 in OA. No.1495/2014, and did not recommend the case for appointment under compassionate grounds due to limited number of 5% of the total DR vacancies and as the case did not merit selection in the relative merit points communicated by the Directorate.”

5. It is the contention of the counsel for the applicant that as on date there is no time limit for considering cases for compassionate appointment in accordance with the Allahabad High Court judgment dated 07.05.2010 in Civil Misc. Writ Petition No.13102 of 2010. Accordingly, the DoPT has decided to withdraw the instructions contained in the OM. dated 05.05.2003 after consultation with Ministry of law.

6. Per contra, counsel for the respondents reiterated that in view of the OM dated 5.05.2003 which laid down the three years limit for consideration

for compassionate appointment, the case of the applicant could not be reconsidered.

7. In view of the fact that as of date there is no time limit for considering the case for compassionate appointment, the case of the 2nd applicant may be reconsider by the respondents as per the extant guidelines.

8. The impugned order dated 09.03.2017 is, therefore, set aside with a direction to the respondents to reconsider the case of the 2nd applicant within a period of three months from the date of receipt of a copy of the order.

9. The OA is accordingly allowed. No order as to costs.

(NAINI JAYASEELAN)
ADMN. MEMBER

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