

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

OA/21/199/2018
Dated:27/02/2019

BETWEEN:

M. Srikanth,
S/o.M. Durga Rao,
Aged about 30 years,
Occ: Unemployee,
R/o. Narayanpuram BO,
Aswaraopet SO Khammam Dist.

..... Applicant

AND

1. Union of India rep. by
The Chief Post Master General,
Telangana Circle,
Hyderabad – 500 001, T.S.
2. The Post Master General,
Hyderabad Region,
Hyderabad – 500 001, TS.
3. The Superintendent Pos,
Khammam Division,
Khammam – 507 003, TS.

..... Respondents

Counsel for the Applicant : Mr. B. Gurudas, Advocate
Counsel for the Respondents : Mr. A. Surender Reddy, Addl. CGSC.

CORAM

Hon’ble Mrs. Naini Jayaseelan, Admn. Member

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

Heard Mr. B. Gurudas, learned counsel appearing for the applicant and Mr. A. Surender Reddy, learned Standing Counsel appearing for the Respondents.

2. The applicant is challenging the Impugned Order No. B3 / CA / 17MCK /2015 dated 02.11.2017 issued by the 3rd respondents wherein the application of the applicant's mother was not recommended in the Circle Relaxation Committee (CRC) for compassionate appointment.

3. The father of the applicant namely Sri. Late M. Durga Rao, while working as GDS MC MD Narayanapuram Branch office a/w Aswaraopet SO, suddenly died of heart attack on 31.12.2013 and the widow of the deceased employee had requested for compassionate appointment. The case of the widow of the deceased employee was rejected without giving any reason. She requested the respondents to consider the case of her only son for compassionate appointment. Accordingly, the applicant submitted two representations dated 18.08.2017 & 28.01.2018 requesting for compassionate appointment. The same have been forwarded to the 1st respondent for placing the case before the CCE for consideration as per the revised scheme for compassionate appointment communicated under OM No.17-1/2017- GDS dated 30.05.2017.

4. It is the case of the respondents that the applicant's mother i.e. the widow of the deceased GDS was not recommended by the CRC held on 08.03.2017 for the reason that she is over-age. The applicant being the son of the deceased employee has requested for considering the case of the

applicant representation dated 18.08.2017. The applicant was informed that since the OM dated 30.05.2017 stated that the cases which have already been settled will not be reopened, the respondents have claimed that the claim of the applicant rejected appointment and accordingly intimated this situation .

5. The respondents have cited orders in Civil Appeal No.6348/2013 between MGB . Gramin Bank Vs. Chakravarthi Singh. In the aforesaid case, the appointment on compassionate ground was denied to the respondents who preferred the Writ Petition before the Hon'ble High Court and the learned Single Judge took the view that as the cause of action had arisen prior to the commencement of the new scheme, therefore, the case was to be considered as per the then existing scheme i.e. the 1983 scheme which provided for compassionate appointment and not for grant of ex-gratia payment. Accordingly directed the appellant not only to consider the case for appointment of the respondent on compassionate grounds but rather directed the appellant to appoint him. Aggrieved by this, the appellant challenged the said order by filing the Special Appeal which has been dismissed vide impugned judgment and order dated 27.01.2010 confirming with the judgment and order of the learned Single Judge.

However, the Apex Court held that:

“para.13 The court considered various aspect of service jurisprudence and came to the conclusion that as the appointment on compassionate ground may not be claimed as a matter of right nor an applicant becomes entitled automatically for appointment, rather it depends on various other circumstances i.e.

eligibility and financial conditions of the family, etc., the application has to be considered in accordance with

the scheme. In case the Scheme does not create any legal right, a candidate cannot claim that his case is to be considered as per the Scheme existing on the date the cause of action had arisen i.e. death of the incumbent on the post. Apex court ordered that respondents may apply for consideration of his case strictly in accordance with clause 14 of the said new Scheme three months from the date of receiving of application.”

It is true that compassionate appointment is made out under humanitarian consideration taking into consideration the fact that unless some source of livelihood is provided, the family would not be able to make both ends meet and the whole object of granting such appointment is to enable the family to tide over the sudden crisis. However, appointment has to be given in accordance with the relevant rules and guidelines that have been framed by the authority concerned and no person can claim appointment on compassionate grounds in disregard of such rules or such guidelines. In view of the above, the case of the mother of the applicant has been rejected and his case has not been considered by the competent authority i.e. Circle Relaxation Committee (CRC). Therefore, it is hereby directed that the case of the applicant be considered by the CRC as per the extant rules within a period of three months from the date of receipt of this order.

6. Accordingly the OA is disposed of. No order as to costs.

(NAINI JAYASEELAN)
ADMN. MEMBER

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