

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

**OA/21/292/2017
Dated:11/03/2019**

BETWEEN:

M.V. Nageshwara Rao,
S/o. Late M.S.R.A. Prasad Rao,
Ex. Gramina Dak Sevaak Branch Postmaster,
Mubarak Nagar B.O. a/w Nizamabad RS, S.O.
Aged about 31 years,
R/o. H.No. 1-70, Mubarak Nagar,
Nizamabad – 503 003,
Nizamabad Division.

..... Applicant

AND

1. Union of India rep. by
The Secretary,
Govt. Of India,
Ministry of Communication & IT,
Department of Posts –India,
Dak Bhavan, Sansad Mar,
New Delhi -110 001.
2. The Chief Postmaster General,
Telangana Circle,
Dak Sadan,
Abids, Hyderabad – 500 001.
3. The Sr. Superintendent of Post Offices,
Nizamabad Division,
Nizamabad -503 001.

..... Respondents

Counsel for the Applicant : Mr. M. Venkanna, Advocate
Counsel for the Respondents : Mrs. B. Gayatri Varma, Sr. PC for CG

CORAM

Hon'ble Mrs. Naini Jayaseelan, Admn. Member

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

Heard Mr. Venkanna, learned counsel appearing for the applicant and Mrs. B. Gayatri Varma, learned Senior Panel Counsel for Central Government.

2. The father of the applicant died in harness on 21.07.2010 while working as Gramin Dak Sevak, Branch Postmaster (GDSBPM), Mubaraknagar Branch Post Office under Nizamabad Railway Station Sub Post Office. The applicant has made a request for compassionate appointment as GDSBPM, Mubarak Nagar BO. The applicant was granted 45 points for assessment of indigent condition for compassionate appointment. However, the Circle Relaxation Committee (CRC) which met on 10.05.2012 examined the case and did not recommend the candidature of the applicant for compassionate appointment with the remark that the case does not come under hard and deserving case, which means cases over and above 50 merit points. Aggrieved by the said order the applicant filed OA.No.254/2014 before the Hon'ble CAT, Hyderabad Bench praying for consideration of his case for compassionate appointment. The said OA was disposed of by the Hon'ble Tribunal with the following directions vide order dated 30.05.2016.

“the impugned memo dated 15.05.2012 is set aside directing the respondents to reconsider the case of the applicant in accordance with the scheme / notification in force with regard

to the engagement of GDS on compassionate grounds within eight weeks from the date of receipt of a copy of the order. Interim order granted on 04.03.2014 is made absolute. Accordingly this OA is disposed of. No order as to costs.”

3. Respondents reconsidered the case of the applicant keeping in view the latest instructions issued by the Postal Directorate, New Delhi, vide Letter No.17-17/2010-GDS dated 10.06.2016 according to which “the revised provisions will be given effect from the date of issue of these instructions in respect of those cases considered in CRCs held after 17.12.2015. Cases already settled before 17.12.2015 need not strictly be opened.”

4. Thereafter, the respondents issued Notification No.RE/GDS/2016-17 dated 18.03.2017 for selection and engagement to the post of GDSBPMs in which the post of GDSBPM, Mubaraknagar B.O. a/w Nizamabad Railway Station S.O is one among the vancancies notified. Aggrieved with this, notification the applicant had filed the present OA before the Hon’ble Tribunal. The Hon’ble Tribunal vide interim order dated 18.04.2017 permitted the respondents to proceed with the impugned notification and selection to the vacancy at Sl. No.317 for the post of GDSBPM for Mubaraknagar B.O. a/w Nizamabad RS S.O shall not be done without the leave of the Tribunal.

5. Learned counsel for the applicant argued that in spite of getting 45 points for assessment of indigent condition, the case of the applicant was not re-considered and was rejected on the ground that his case has already been settled before 17.12.2015 and therefore need not be re-opened.

6. Learned counsel for the applicant also cited judgment of OA.419/2016 of the CAT, Hyderabad Bench, dated 01.03.2018 wherein *“the applicant is directed to submit a fresh application seeking compassionate appointment and the respondents were directed to examine the case of the applicant in the light of the revised guidelines and consider his case for compassionate appointment within a period of three months from the date of receipt of a copy of this order.”*

7. Learned counsel for the applicant also argued that in spite of the specific order to reconsider the case of the applicant in accordance with the scheme, for compassionate appointment the case was rejected merely on the ground case settled before 17.12.2015 need not be strictly reopened. Whereas specific direction was given to the respondents to reconsider his case. The applicant's case should have been re-examined afresh.

8. In view of the earlier judgment, in the case of the present applicant in OA. 254/2014 as well as the judgment in a similar case in OA.419/2016 dated 01.03.2018, the respondents are directed to examine the case of the applicant afresh in the light of the revised guidelines and consider his case for compassionate appointment within a period of three months from the date of receipt of a copy of this order.

9. The OA is allowed to the extent indicated above. No order as to costs.

(NAINI JAYASEELAN)
ADMN. MEMBER

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