

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

OA/21/664/2016
Dated:01/03/2019

BETWEEN:

1. Smt. Mahaboob Basha,
W/o. Late Md. Abdul Azeez,
(Ex-Postal Assistant, Peddapalli Division,
Aged about 62 years,
R/o.H.No.3-14-131, Indira Nagar,
Ramagundam – 505 215,
Peddapalli Division,
District Karimnagar.
2. Mohd. Zaheeruddin,
S/o. Late Md. Abdul Azeez,
R/o.H.No.3-14-131, Indira Nagar,
Ramagundam – 505 215,
Peddapalli Division,
District Karimnagar.

..... Applicant

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 Post Mmaster General,
Hyderabad Region, Hyderabad.
4. The Superintendent of Post Offices,
Peddapalli – 505 172.

..... Respondents

Counsel for the Applicant : Mr. B. Gurudas, Advocate
Counsel for the Respondents : Mrs. K.Rajitha, Sr. 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 Mrs. K. Rajitha, learned Senior Central Government Standing Counsel for the Respondents.

2. The first applicant's husband died in harness while working as Postal Assistant, Ramagundam, Sub Post Office in Peddapalli Division on 17.06.2007. While the first applicant applied for compassionate appointment, the 2nd applicant filed an application for considering his case for compassionate appointment. The first applicant submitted no objection for considering case of her 2nd son for compassionate appointment. However, the 2nd respondent vide letter dated 19/23.04.2013 intimated that the Circle Relaxation Committee (CRC) held on 02.05.2011 did not recommend the case of the 2nd applicant due to limited number of 5% DR vacancies earmarked for compassionate appointment. Also, the respondents stated in the impugned order that there is no provision in the rules to provide GDS posts to the dependents of deceased departmental officials. Based on the information furnished under RTI, the 1st applicant came to know that she has secured 46 points based on the assessment of the indigent condition of the family. The applicant's counsel stated that actually he is entitled to more marks for assessment of indigent condition.

3. In the reply statement respondents have not disputed that the 2nd applicant requested the 4th respondent to provide his father's job under compassionate appointment quota stating that the mother had earlier preferred compassionate appointment in his favour. Since he was studying, the family decided to let him continue his higher studies. It was requested to provide the job to his brother namely Sri. Md. Zaheeruddin, who has passed SSC. After submission of the required documents, it was informed that his application for compassionate appointment could not be considered as the 5% quota had been exhausted. Then the applicant requested for appointment as GDS. This request also could not be considered as the deceased employee was a departmental official. He could be considered for appointment on compassionate ground under the 5% Direct Recruitment quota. The applicant's counsel has taken the plea that the consolidated instructions dated 16.01.2013 issued by Department of Personnel and Training (DOPT) on compassionate appointment clearly state that there is no time limit for considering cases for compassionate appointment. Even Ministries / Departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Government servants took place long back, say five years or so. While considering such belated requests it is however, to be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the Government servant in order to relieve it from economic distress.

4. Learned counsel for the applicant cited judgment of the Central Administrative Tribunal, Hyderabad Bench in OA.1276/2014 dated 27.01.2017 wherein it was held that the applicant is eligible to be considered for the compassionate appointment without any time limit.

5. In view of the above the OA is disposed of directing the respondents to consider the case of the applicant for compassionate appointment in terms of the DOPT instructions dated 16.01.2013, and the orders of the Tribunal in OA.1276/2014 dated 27.01.2017. No order as to costs.

**(NAINI JAYASEELAN)
ADMN. MEMBER**

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