

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

Original Application No. 20/1012/2016

Date of Order: 21.02.2019

Between:

G. Sobhan Babu, S/o. late Sri G. Ramakrishnaiah,
GDS Packer, aged 31 years, Balathimmaiahgaripalle SO,
Chakrayapet Mandal, Kadapa Division.

... Applicant

And

1. The Union of India, rep. by its Secretary,
Ministry of Communications & I.T.,
Department of Posts, Dak Bhawan,
Parliament Street, New Delhi – 110 001.
2. The Chief Postmaster General,
Andhra Pradesh Circle, Dak Sadan,
Abids, Hyderabad – 500001.
3. The Post Master General,
A.P. Southern Region, Kurnool.
4. The Superintendent of Post Offices,
Kadapa.

... Respondents

Counsel for the Applicant ... Mrs. G.R. Mercy Vijaya, Advocate
For Dr. P.B. Vijaya Kumar

Counsel for the Respondents ... Mr. B. Laxman, Advocate for
Mrs. K. Rajitha, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar ... ***Member (Admn.)***

ORAL ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. The OA has been filed for not considering the applicant for compassionate appointment.

3. Brief facts of the case are that the applicant's father while working in the respondents organization died on 20.03.2013 leaving behind his wife and three children. The wife of the deceased employee represented on 20.04.2013 to consider the case of the applicant for compassionate appointment and the said request was rejected on the ground that the applicant is married son of the deceased employee. Aggrieved over the same, applicant approached this Tribunal earlier in OA 851/2014 wherein, vide order dt.19.02.2016, respondents were directed to re-examine the case of the applicant keeping in view the letter dated 14.01.2015 of the respondent organization. Applicant also represented to the respondents on 24.04.2016 requesting to consider his case based on the revised guidelines issued vide letter dated 17.12.2015 of the respondents. Respondents based on the direction of this Tribunal reconsidered the case of the applicant through CRC meetings held on 28.07.2016 & 29.07.2016 and rejected the same stating that he has got less than 36 points which is benchmark for selecting a candidate on compassionate grounds and the same was conveyed to the applicant vide impugned order dt.17.08.2016. Aggrieved over the same, the present OA is filed.

4. The contentions of the applicant are that the Circle Relaxation Committee (in short "CRC"), which met on 28.07.2016 & 29.07.2016 has not given points to the second married son even after submitting a certificate from the Tahsildar that both the applicant and the second son of the deceased employee are wholly dependent on the income of his late father. As per the version of the applicant in the OA, number of points to be awarded are 15, but the CRC gave only 10 points. The applicant was engaged in service by the State Government only up to 31.03.2013 in Mandal Resource Centre. Therefore, after 31.03.2013, he had no income and hence, he has to be considered as unemployed. Applicant has

also submitted a ‘No earning member certificate’ issued by the Tahsidar to this effect. The family is in indigent circumstances and the assessment of merit points by the CRC is wrong.

5. Respondents in their reply statement inform that the wife of the deceased employee represented on 25.04.2013 and 31.01.2014 to provide compassionate appointment to the applicant and the said request could not be considered as the applicant was married person and that married son cannot be construed as a dependent on the deceased employee. Having not been provided with compassionate appointment, applicant approached this Tribunal in OA 851/2014 and as per the direction of the Tribunal in the cited OA, respondents once again considered the case of the applicant, but could not be provided compassionate appointment as per minutes of CRC meeting held on 28/29.07.2016, since he got only 35 marks against 36 points required. Unless a candidate gets 36 or more points, he cannot be granted compassionate appointment.

6. Heard both sides counsel and perused the documents submitted.

7(I) The respondents organization have evolved a very fair method of evaluating requests for compassionate appointment. The Committee christened as Circle Relaxation Committee (CRC) meets and evaluates the requests received for compassionate appointments. The evaluation is done based on the points awarded to different attributes, which help the respondents in assessing the indigent circumstances of the candidates. The respondents have indicated the points awarded to different attributes in their reply statement. From the information furnished in reply statement, it is seen that the applicant under

attribute “Family earning members” was awarded “4” points. The basis for awarding 4 points was that the applicant was working for the State Government with an annual income of Rs.50,000/-. The applicant has represented to the 4th respondent on 14.05.2016 informing that he worked for the State Government only up to 31.13.2013 and thereafter, he is unemployed. To this extent, he has also submitted a no earning member certificate issued by the office of Tahsildar, Chakrayapet Mandal, dt. 04.04.2013. This certainly confirms the fact that the applicant is unemployed. For an unemployed applicant, marks that are to be awarded as per the rules circulated by the respondents are 10. If 10 points that are to be awarded to the said attribute are taken into consideration, the additional points to be allotted are 6 and thereby, the total points the applicant would secure will be 41. As a result, the applicant’s points would cross the threshold of 36 points fixed by the respondents.

II. The respondents have cited the judgment of the Hon’ble Supreme Court stating that compassionate appointment cannot be claimed as a matter of right. However, in the present case, the respondents have developed a system to assess indigent circumstances by awarding marks to attributes. They have fixed threshold limit and all those who cross the threshold limit are considered to be in indigent circumstances. Hon’ble Supreme Court has observed that compassionate appointment should be granted to those who are “most deserving” and “most deserving” has been defined by the respondents by creating a threshold limit. Hence, since the applicant has got marks more than the threshold limit, he is considered to be in indigent circumstances and has to be considered for providing compassionate appointment. Thus, the observations of the Hon’ble Supreme Court are also fulfilled.

III. Therefore, based on the facts stated above, applicant has made out a case which fully succeeds. Consequently, the impugned order dt. 17.08.2016 is quashed. Respondents are directed as under:

- A) To reconsider the case of the applicant for compassionate appointment by fully awarding eligible marks to the attribute pertaining to the family earning member by reckoning the fact that the Tahsildar has issued a “No earning member certificate” to the applicant.
- B) Time calendared to implement the order is 60 days from the date of receipt of this order.
- C) OA is allowed accordingly. There shall be no order as to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMIN.)**

Dated, the 21st day of February, 2019

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