

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

**OA/021/333/2018 &
MA/021/219/2018**

Date of Order: 04.04.2019

Between:

1. M.P.C. Kaladhar Rao, aged about 27 years,
S/o. (Late) Sri M. Venkateswara Rao,
R/o.20-3-199, Indira Nagar Colony,
Palwancha, Badradri,
Kothagudem Dist. (TG) – 507 115.
2. M. Laxman, aged about 35 years,
S/o. (Late) Sri M. Venkateswara Rao,
R/o.20-3-199, Indira Nagar Colony,
Palwancha, Badradri,
Kothagudem Dist. (TG) – 507 115.
3. M. Srinu, aged about 24 years,
S/o. (Late) Sri M. Venkateswara Rao,
R/o.20-3-199, Indira Nagar Colony,
Palwancha, Badradri,
Kothagudem Dist. (TG) – 507 115.

... Applicants

And

1. The Union of India rep. by
Its Secretary,
Dept. of Posts, Dak Bhavan,
New Delhi – 110 116.
2. The Chief Post Master General,
Dept. of Posts, Hyderabad – 500 001.
3. The Post Master General,
Vijayawada Region,
Vijayawada – 520 003.
4. The Supdt. Of Post Offices,
Khammam Division,
Khammam – 507 303.

... Respondents

Counsel for the Applicants	...	Mr. T. Koteswara Rao
Counsel for the Respondents	...	Mr. M. Venkata Swamy, Addl. CGSC

CORAM:

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

2. MA/21/219/2018 filed seeking condonation of delay in filing the O.A. is allowed for the reasons stated therein.
4. The OA is filed for not considering the request of the 1st applicant for compassionate appointment.
5. Brief facts are that the applicants' father while working for the respondents organisation as group D, died in harness on 3.3.2013 leaving behind three sons. The mother of the applicant has also passed away on 13.4.2000. Consequent to the demise of the ex-employee, applicants represented for compassionate appointment on 6.4.2013 and 15.7.2014 which were rejected on 5.8.2015 without assigning any reasons. Hence the OA.
6. The contentions of the applicants are that they are living in indigent circumstances and that the terminal benefits received were barely adequate to repay loans and to meet the expenditure incurred towards the medical treatment of the deceased employee. The applicants do not have any landed property or any house. The 2nd and 3rd applicants are working as agricultural labourers. The rejection order is not a reasoned order.
7. Respondents stated in their counter affidavit that the 1st applicant is married and is living separately. Hence terminal benefits to the extent of Rs 5,55,486 were paid to the 2nd and the 3rd applicants plus family pension of Rs 5265/- per month was paid to both of them, till they attained the age of 25 years as per rules on the subject. The request of the applicants for

compassionate was rejected on 25.8.2015 based on relative merit and because only 5 % of direct recruit vacancies are available. Further the case of the applicants was reconsidered by the Circle Relaxation Committee in April 2018 and could not be considered due to limited number of vacancies. It was decided to re-examine the case in the next meeting of the Committee. Applicants were informed accordingly on 14.5.2018.

8. Applicants filed a rejoinder asserting that a reasoned order needs to have been given as per the observation of the Hon'ble Supreme Court in **S.N.Mukherji v U.O.I in 4 SCC (Constitution Bench)** and that the DOPT instructions contained in OM dt 16.1.2013 are to be followed.

9. Heard both the counsel and perused the documents placed on record.

10. As is evident from the facts of the case, respondents could not consider the case of the applicants because of limited number of vacancies and that they have decided to reconsider the case in the subsequent meeting of the Circle Relaxation Committee. While doing so, respondents are advised to keep in view the instructions contained in DOPT Memo dated 16.1.2013 as was observed by this Tribunal in OA 496 of 2018. Hence in the fitness of things, based on the aforementioned facts, the OA is disposed directing the respondents to consider the case of the applicants within a period of 3 months from the date of receipt of this order. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

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