

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

Original Application No.20/811/2017

Date of Order: 14.06.2019

Between:

M. Aravinda Kumar, S/o. late M. Ramanaiah,
Ex-Postman, Nandalur So,
Aged 20 years, Occ: Unemployee,
R/o. Nandalur SO, Kadapa Division,
Kadapa – 516 001, Kadapa District (AP).

... Applicant

And

1. Union of India,
Rep. by the Chief Post Master General,
AP Circle, Vijayawada – 520 003, Krishna Dist, AP.
2. The Post Master General,
Kurnool Region, Kurnool – 517 001 (AP).
3. The Superintendent of Post Offices,
Kadapa Division, Kadapa – 516 001 (AP).

... Respondents

Counsel for the Applicant ... Mr. B. Gurudas

Counsel for the Respondents ... 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. OA is filed for rejecting the request for compassionate appointment vide letter dated 11.2.2017.
3. Applicant's father died in harness, while working for the respondents, on 21.11.2014. Applicant applied for compassionate appointment which was rejected on 31.1.2017. Hence, the OA.

4. Contentions of the applicant are that there is no time limit to accept cases for processing of compassionate appointment as per DOPT orders dated 16.1.2013. Applicant claims that the relative merit points of 53 assigned to his case were not calculated properly. Further, applicant claims that the deceased employee did not maintain good health and that loans were taken to meet medical expenses incurred and that the terminal benefits received were utilised to repay the loans. Applicant is poor, physically challenged and that his mother too is not keeping good health. Applicant is living in a rented accommodation, which is adding to his financial woes. Applicant has cited judgments of the various benches of this Tribunal in support of his cause.

5. Respondents state that the request of the applicant was considered by the Circle Relaxation Committee and rejected due to relative merit and lack of vacancies. Regarding liabilities as asserted by the applicant, he could not produce promissory notes dated 20.3.2014, 2.12.2013 and 16.12.2013. Terminal benefits to the extent of Rs.10,55,626/- have been disbursed to the wife of the deceased employee. The merit points allotted to the applicant were 39 as per letter dated 20.1.2010 of the respondents and that it cannot be 53, as claimed by the applicant since he has shown 10 points towards terminal benefits though it should be Nil for having being paid terminal benefits for more than Rs.4,20,000. Respondents have cited Hon'ble Supreme Court verdicts in support of their contentions.

6. Heard both the counsel and perused material papers on record.

7. I) Applicant was allotted merit points of 39 and the respondents have explained as to how it cannot be 53 as claimed by the applicant. The applicant has added 10 points for terminal benefits, which he should not, and in regard to family pension, the enhanced family with the advent of the 7th CPC has not been reckoned, and hence the difference. Rules prescribed vide letter dated 20.1.2010 in allotting marks have been followed. Therefore, there was no irregularity in allotment of marks to the applicant. Besides, CRC has considered his case on merit and rejected considering relative merit of all those who were considered along with him and in the context of the proviso of restricting compassionate appointment to 5% of direct recruitment vacancies available. The judgments of the Benches of the Tribunal cited by applicant are not relevant to the case as his request was rejected on merit. Besides, compassionate appointment has to be offered based on indigent circumstances and in accordance with prevalent rules as per observations of the Hon'ble Supreme Court in a catena of judgments as stated hereunder:

i) ***V. Sivamurthy v. State of A.P.,(2008) 13 SCC 730,***

(c) Compassionate appointment can neither be claimed, nor be granted, unless the rules governing the service permit such appointments. Such appointments shall be strictly in accordance with the scheme governing such appointments and against existing vacancies.

ii) ***Santosh Kumar Dubey v. State of U.P.,(2009) 6 SCC 481,***

12. The request for appointment on compassionate grounds should be reasonable and proximate to the time of the death of the bread earner of the family, inasmuch as the very purpose of giving such benefit is to make financial help available to the family to overcome sudden economic crisis occurring in the family of the deceased who has died in

harness. But this, however, cannot be another source of recruitment. This also cannot be treated as a bonanza and also as a right to get an appointment in government service

iii) 15. In Haryana SEB v. Naresh Tanwar, it was stated that:

“9. It has been indicated in the decision of Umesh Kumar Nagpal that compassionate appointment cannot be granted after a long lapse of reasonable period and the very purpose of compassionate appointment, as an exception to the general rule of open recruitment, is intended to meet the immediate financial problem being suffered by the members of the family of the deceased employee. In the other decision of this Court in Jagdish Prasad case, it has been also indicated that the very object of appointment of dependant of deceased employee who died in harness is to relieve immediate hardship and distress caused to the family by sudden demise of the earning member of the family and such consideration cannot be kept binding for years.” emphasis in original)

II) As can be seen from the directions of the Hon’ble Supreme Court, consideration of compassionate cases cannot be kept binding for years. Compassionate appointment has to be offered to meet indigent circumstances and as per prevailing rules. It cannot be construed as a bonanza and a right. The respondents have followed the extant rules and rejected the case on merit.

III) Therefore, this Tribunal, based on the observations of the Hon’ble Apex Court and the rules followed in the respondents organisation, does not find any scope to intervene on behalf of the applicant. Hence the OA is dismissed, with no order as to costs.

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

Dated, the 14th day of June, 2019

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