

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA/021/00705/2018

Date of Order : 17-06-2019

Between :

G.Uma Maheswari @ G.P.Uma Maheswari
D/o G.Venkarmana (Ex.Group C), Aged about
36 years, Occupation Unemployee, R/o J/Mp/25/628,
Ekalavya Nagar, Nandyal-518501.Applicant

AND

Union of India rep by

1. The Director General, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi 110001.
2. The Chief Post Master General, AP Circle, Hyderabad.
3. Post Master General, AP Circle, Kurnool-518002.
4. The Superintendent of Postal Store Depot, Guntakal.Respondents

Counsel for the Applicant: Mr.K.Siva Reddy

Counsel for the Respondents : Mrs.K.Rajitha, Sr.CGSC

CORAM :

THE HON'BLE MRS.NAINI JAYASEELAN, ADMINISTRATIVE MEMBER

(Oral Order per Hon'ble Mrs.Naini Jayaseelan, Administrative Member)

Tribunal's Act, 1985 for the following prayers :

- i) To call for the records pertaining to the proceedings No.nil dt.5.7.2018 issued by the respondent No.4 wherein the case of the applicant for compassionate appointment was rejected and declare the same as illegal, arbitrary and contrary to the instructions issued by the respondent No.1 in letter No.F.No.14014/3/2011 Estt.(D) dt.26.7.2012 and contrary to the order dt.2.7.2018 in OA No.664/2017 and set aside the same;
- ii) Consequently direct the respondents to consider the case of the applicant for compassionate appointment and
- iii) to pass such orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

2. The brief facts of the case are that, the deceased postal employee late G. Venkatramana, Ex.PSD, Guntakal died on 04.04.1980 while in service leaving behind him the wife, two sons and three daughters. Later on the wife of the deceased employee also died on 09.11.2012 and one son also died. After becoming a major, the applicant made an application to the respondents to consider her case for compassionate appointment since her father died while in service. Since no action was taken, the applicant made another representation dated 07.05.2013 for compassionate appointment. On her application, the respondents sought information and other documents vide letter dated 10.06.2013. The applicant submitted all the details to the respondents for consideration. The 3rd Respondent, vide letter dated 13.05.2014 rejected her case stating that, the case of the applicant was considered by the Circle Relaxation Committee on 29.04.2014 and was not recommended due to limited number of vacancies under the 5% quota for compassionate appointment and therefore did not merit selection.

3. Learned counsel for the applicant contends that, the Respondents were duty bound to consider applicant's case against year wise vacancies as per the instructions of the Respondent No.1 vide letter dated 26.7.2012 wherein the Respondent No.1 has withdrawn the earlier instructions dated 05.05.2003 restricting the time limit for three years. Learned counsel for the applicant contends that the Circle Relaxation Committee did not consider the applicant's case for subsequent years of vacancies. Aggrieved by the rejection of her case, applicant filed OA No.664/2017 for a direction to consider her case in subsequent years vacancies earmarked for compassionate appointment as per instructions.

3. OA No.664/2017 was disposed of by order dated 02.07.2018 directing the Respondents as under :

"7. Since the Respondents stated in the counter that they would examine the case of the applicant in the next CRC, without taking the plea of limitation as defence the 2nd and 4th Respondents are directed to examine the case of the applicant for compassionate appointment in the next CRC and take appropriate decision as per the revised guidelines, pass a reasoned order and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this order."

5. Thereafter again the Respondents passed impugned order No.ST/Comp.Apptmt/Dlgs, dated 05.07.2018 rejecting the applicant's claim for compassionate appointment as the same was belated 33 years old case. Hence this Original Application.

6. Respondents have filed reply statement stating that the applicant is

receiving the family pension @ Rs.3,500/- + DR + 500 as fixed monthly allowance from 11.11.2012. An amount of Rs.4,32,343/- towards arrears of Family pension for the period from 11.11.2012 to 31.03.2017 was paid to her by Nandyal Head Post Office. At present she is drawing Rs.9000/- + DR towards family Pension.

7. The case of the applicant was considered during the CRC meetings held on 06.11.2017, 16.01.2018 and 05.02.2018 for the year 2016-17, as per DoPT OM dated 16.01.2013 and 30.05.2013, as it is belated claim of 33 years, the case was rejected and communicated to the applicant. The Respondents placed reliance on the DoPT OM dated 26.07.2012 wherein it is specified that while considering the belated requests, it is to be kept in view that 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. In view of this position, the CRC which met on 24.07.2018 and 25.07.2018 considered the case, examined the condition of the dependent family and was found not to be in indigent circumstances, hence the case was rejected. In view of the forgoing submissions, respondents pray for dismissal of the OA.

8. The Respondents also state that, in order to comply with the order passed in OA No.664/2017, the case of the applicant for compassionate appointment was placed before CRC held on 24.07.2018 and 25.07.2018 and the case has been rejected as the applicant has requested for appointment on compassionate grounds after 33 years of the date of death

of the official vide memo dated 7/20.08.2018.

9. Heard Mr.K.Siva Reddy, learned counsel for the applicant and Mrs.K.Rajitha, learned Senior Central Govt., Standing Counsel for Respondents.

10. Mr.K.Siva Reddy, learned counsel for the applicant stated that in the first round of the litigation it was categorically ordered that the Respondents were directed to examine the case of the applicant as per the revised guidelines and now the Respondents cannot take the plea that it is a belated case after 33 years and reject the case of the applicant. If that was so, then in the first round itself the case should have been rejected on the ground that it was a belated claim.

11. Mrs.K.Rajitha, learned Senior Central Government Standing Counsel for Respondents reiterated the stand that since the dependent family was not found in indigent circumstances, the case was rejected.

12. In view of the above, since there was a categorical direction from the CAT in OA No.664/2017, decided on 02.07.2018 to consider the case of the applicant in next CRC *without taking the plea of limitation as defence*, the Respondents are hereby directed to examine the case of the applicant in the next CRC as per the revised guidelines by passing a reasoned order and communicate the same to the applicant within a period of three months from the date of receipt of a copy of this order. The impugned order

05.07.2018 is set aside and the OA is disposed of with the above direction.

13. No order as to costs.

(NAINI JAYASEELAN)
ADMINISTRATIVE MEMBER

Dated : 17th June, 2019.
Dictated in Open Court.

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