

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

Original Application No.20/244/2017

Date of Order: 28.06.2019

Between:

K. Rama Mohan
S/o Late K. Nagaraju Naidu
Aged 38 years
Occ: Unemployed, R/o Palemgadda
Jillellamanda Village
Kambhamvarepalle Mandal
Chittoor District, Andhra Pradesh. Applicant

AND

1. Union of India
Rep. through the Secretary
Ministry of Communication and
Information Technology, Department of Posts
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.

2. The Chief Post Master General
Andhra Pradesh Circle, Dak Sadan
Abids, Hyderabad – 500001.

3. Circle Relaxation Committee
Rep. through the Chief Postmaster General
Andhra Pradesh Circle, Dak Sadan
Abids, Hyderabad – 500 001.

4. The Superintendent of Post Offices
Thirupathi Division, Chittoor District
Andhra Pradesh – 517501.

5. The Inspector of Posts
Piler Sub-Division, Piler
Chittoor District, Andhra Pradesh – 517214. ... Respondents
Counsel for the Applicant ... Mr.S. Rahul Reddy
Counsel for the Respondents ... Mr. Laxman 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 is filed being aggrieved for not providing compassionate appointment .
3. Applicant's father died while working as GDS Branch Post Master in the respondents organisation on 11.6.2015. Applicant made a request for compassionate appointment which was rejected on 19.8.2016. Aggrieved over the same, OA has been filed.
4. The contentions of the applicant are that he got 38 points against the minimum of 36 prescribed and, hence, he should have been offered compassionate appointment. The guidelines in awarding the merit points have not been followed.
5. Respondents have stated in the reply statement that the applicant got only 28 points against 36 points required. The applicant is claiming 15 points instead of 10 by showing 3 dependents whereas there are only 2 dependents. The applicant has not submitted the required certificate for having a kutcha house and, hence, 3 points, claimed by the applicant have not been allotted. Terminal benefits granted were Rs.1,73,305/- for which 5 points were allotted since they were greater than Rs 1,50,000. Therefore, the marks allotted were correct and since the total marks

secured were less than the minimum required, applicant could not be considered for compassionate appointment.

6. Heard both the counsel and perused the records. Learned counsel for the applicant submitted that the impugned order is a bald order.

7. I) Respondents allotted the marks as per rules. Even presuming that for kuchha house 3 marks were allotted, since they were not allotted due to non submission of a certificate, applicant would only get 31 marks which is below the threshold level of 36 marks to be considered. On the other 2 attributes, namely, dependents and terminal benefits, the calculation of the respondents is correct.

II) However, the impugned order dated 19.8.2016 is neither a speaking nor a reasoned order. It does not indicate the marks allotted to each of the attribute. Marks obtained by other candidates who were considered along with the applicant have also not been furnished. Providing such details would help the applicant to appreciate and understand that his case was considered in a fair and objective manner. Respondents are not permitted under law to improve the impugned order, as per Judgement of the Hon'ble Supreme Court in Chandra Singh v. State of Rajasthan, (2003) 6 SCC 545, wherein the it was held, as under:

(i) *"It is fairly well settled that the legality or otherwise of an order passed by a statutory authority must be judged on the face thereof as the reasons contained therein cannot be supplemented by an affidavit. (See Mohinder Singh Gill v. Chief Election Commr., (1978) 1 SCC 405). (ii) Civil Appeal No. 4964 of 2010, [Arising out of SLP (Civil) No. 27153 of 2008] East Coast Railway & Anr. v. Mahadev Appa Rao & Ors. And Civil Appeal Nos. 4965-4966 of 2010 [Arising out of SLP (Civil) Nos. 27155-27156 of 2008] K. Surekha v. Mahadev Appa Rao & Ors. (decided on July 7, 2010)*

Thus details furnished in the reply statement to improve the impugned order are of no consequence to decide the issue.

IV) Besides, an order which is not reasoned is invalid as observed by the Hon'ble Jharkhand High Court in Jit Lal Ray v. State of Jharkhand, WP(C) No.469 of 2019, decided on 26-04-2019 as under:

"It is settled position of law that a decision without any reason will be said to be not sustainable in the eyes of law, because the order in absence of any reason, also amounts to the violation of the principles of natural justice."

V) Therefore, in view of the aforesaid circumstances, action of the respondents is not as per the legal principles laid down by the Hon'ble Apex Court. Hence, the impugned order dated 19.8.2016 is

quashed. Consequently, respondents are directed to reconsider the case of the applicant for compassionate appointment, as per the latest rules on the subject, and pass a speaking order, within a period of 3 months from the date of receipt of a certified copy of this order.

VI) With the above directions, the OA is allowed with no order as to costs.

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

Dated, the 28th day of June, 2019

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